

1                   BEFORE THE RADIATION CONTROL BOARD  
2                   PUBLIC HEARING ON ENVIROCARE'S  
3                   LICENSE APPLICATION

4  
5                   DATE:   FEBRUARY 15, 2001  
6                   LOCATION:  TOOELE COUNTY HEALTH  
7                   DEPARTMENT AUDITORIUM  
8                   151 NORTH MAIN STREET  
9                   TOOELE, UTAH  
10                  TIME:   7:00 P.M.

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1 A P P E A R A N C E S

2 RADIATION CONTROL William J. Sinclair  
BOARD: Executive Secretary  
3 Utah Radiation Control Board  
168 North 1950 West  
4 Salt Lake City, Utah 84114-4850

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1                               TRANSCRIPT OF PROCEEDINGS

2                               FEBRUARY 15, 2001

3                               MR. SINCLAIR: Good evening, ladies and  
4 gentlemen. My name is Bill Sinclair. I'm the  
5 director of the Division of Radiation Control. And  
6 I'm going to serve as the hearing officer tonight.  
7 And this is a public hearing on Envirocare of Utah's  
8 license application to receive and dispose of  
9 containerized class A, B and C low level radioactive  
10 waste. What I'd like to do first is run through kind  
11 of an agenda of what we're going to do tonight.

12                            The first part of the meeting or the  
13 hearing, we'll have an information presentation. And  
14 I plan to give you some information along with our  
15 consultant and contractor, Bob Baird, who is sitting  
16 here beside me from the URS Corporation. Following  
17 that, we'll have a short question-and-answer period,  
18 if you have any questions following our presentation.  
19 And then we'll start taking public comment at that  
20 particular time.

21                            Comments today are being recorded by a court  
22 reporter. And as such, I've given her great latitude  
23 to yell at you if she can't understand you or if  
24 you're speaking too softly or you don't say your name  
25 correctly or there's trouble with spelling or anything

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1 like that. So we'll do that.

2           If you desire to make an oral comment at the  
3 hearing, we asked you to sign up on one of the sheets  
4 provided in the back of the room and just indicate,  
5 Yes, you'd like to speak. And once we start the  
6 public comment part of the process, we'll just ask you  
7 to come forward to the microphone, have a seat, make  
8 yourself comfortable and give us your comments.

9           When we start that, I'll make an official  
10 hearing statement. And at that point in time, we will  
11 be officially on the record. And then following my  
12 hearing statement, which is part of our administrative  
13 process that we're bound to do, then we'll start  
14 calling people forward to make public comment. And as  
15 your name is called, what I'll do is I'll call the  
16 person to come forward. And then I'll call the person  
17 afterwards to stand by and be ready to come forward.  
18 That seems to speed things up a little bit. So we'll  
19 ask you to do that.

20           And the order of the comment will be that if  
21 there's any local, state or federal officials that are  
22 here and want to make comments initially, we'll call  
23 on them to come forward and do that. And then we'll  
24 start just down our list that you've signed up for  
25 us. And as you come forward, as I indicated, if

1 you'll just state your name and any affiliation that  
2 you might have. If you think we might have trouble  
3 spelling your name, please spell it for us. That  
4 would help us a great deal as well.

5           And so with that, I'm going to go ahead and  
6 I'm going to sit down. I hope everybody can see that  
7 okay. I think you can hear me a little better if I do  
8 that. I'm going to go through a series of  
9 transparencies and kind of explain the process we're  
10 into today.

11           On November 1st of 1999, Envirocare of Utah  
12 submitted to us an application to receive and dispose  
13 of what's called containerized Class A, B and C low  
14 level radioactive waste. In doing so, they triggered  
15 within the Radiation Control Act, which is the statute  
16 that the Division must operate under, what's called a  
17 new application process. And that's a five-step  
18 process, and it's kind of unique in the country.

19           As you can see, the first step of that  
20 process is a technical process whereas we review an  
21 application that's submitted that covers both the  
22 siting of the facility and the operations of the  
23 facility to make a determination if the facility can  
24 be operated safely. That is the responsibility of the  
25 Department of Environmental Quality, specifically the

1 Division of Radiation Control. And that's the process  
2 that we're holding hearings on at this point in time.  
3 The siting evaluation part has already been  
4 concluded. That was concluded in May, and we made a  
5 positive determination that the facility is  
6 appropriately located. And now we're on to the second  
7 part which is the licensing part.

8           Now beyond that process, which is a typical  
9 permit or licensing process, is what we call the  
10 public policy process. And that's where within our  
11 Radiation Control Act, it provides the ability for  
12 both the County, the Legislature and the Governor to  
13 have a role in the approval process. And each one of  
14 them has to make a determination of whether or not  
15 they wanted to approve the facility. And so once we  
16 finish our technical evaluations and make our  
17 determination here at the department, then the public  
18 process moves on to the Legislature and the Governor  
19 and the County for them to weigh in on the approval  
20 process.

21           In order to get through this whole process,  
22 the licensee, in this case Envirocare, must get  
23 approvals through all five steps. So they have to get  
24 through siting, licensing, county, legislature and  
25 gubernatorial approval.

1           This hearing is the fourth of five  
2 opportunities for public comments. And we're going to  
3 be receiving oral comments at the hearing tonight here  
4 in Tooele. We had one at 2:00 o'clock and in the  
5 evening at 7:00 on Thursday, February 1st, in Salt  
6 Lake. And then every Thursday evening throughout the  
7 month of February, we're going to have a hearing.  
8 Last week it was up at the Courtyard Marriott in  
9 Layton. This week it's up here in Tooele at the County  
10 Health Department. And then finally, the final week  
11 of February the 22nd, it will be in Provo at the Utah  
12 County Health Department offices. All the rest of the  
13 meetings will be at 7:00 o'clock in the evening.

14           Written comments are as valued as statements  
15 that you make at a hearing orally. And so if you want  
16 to make written comments, you're encouraged to do so.  
17 They hold as much weight as any oral comments you  
18 would make at the hearing. Here's an address that you  
19 can send written comments to, and we've already gotten  
20 several. And we encourage you to do that. If you  
21 tinker around the computer like I do and you have  
22 e-mail, you're certainly welcome to send me an  
23 e-mail. I've got my e-mail address on there. We've  
24 had many take the opportunity to do that, and we  
25 encourage that.



1           The important thing is that there is a  
2 deadline for submission of written comments. And that  
3 is no later than March the 2nd, 2001. So if you're  
4 sending in a letter comment, it needs to be postmarked  
5 by at least March the 2nd, 2001. If you're sending it  
6 in electronically by e-mail, we would expect to have  
7 that by 5:00 p.m. on March the 2nd.

8           As I mentioned, this is a unique process in  
9 the fact that we have a public policy decision that  
10 the legislature and the governor must approve the  
11 facility to receive Class B and C low level  
12 radioactive waste. And as they take this under  
13 consideration, there is really no criteria for  
14 approval. And so the legislature and the governor are  
15 less constrained than I am in terms of what they can  
16 consider in terms of public policy issues. And so  
17 they can look at things, for instance, like, Do we  
18 want it or not? And that's an important part of this  
19 process. I just wanted to make you aware of that.

20           And this occurs after what's called a final  
21 agency action by the department and the division. A  
22 final agency action means that the Executive Secretary  
23 of the Radiation Control Board has made a final  
24 decision on the license. And that information is made  
25 available, and then there's a 30-day period of time

1 that parties may appeal that decision. If somebody  
2 disagrees that the Executive Secretary has made a  
3 wrong decision, for instance, they can file an appeal  
4 within 30 days. And then we go through an  
5 administrative hearing before our Radiation Control  
6 Board.

7           The Radiation Control Board in this process  
8 is an appellate body that would sit in judgment if  
9 there was an appeal. If we get to a final decision  
10 and there's no appeal, that is final agency action.  
11 If we get to a final decision that is appealed, then  
12 it has to go through the administrative process and a  
13 hearing has to be held and a determination made. I  
14 only bring that to your attention because that's very  
15 important in the process itself because the  
16 legislature and the governor cannot weigh in or make a  
17 decision until the final agency action is complete.  
18 And so I would encourage you that along with providing  
19 us with your comments that you may also want to  
20 contact your legislator or the governor's office to  
21 voice your opinion regarding this particular licensing  
22 action.

23           If you're looking for information regarding  
24 what we're talking about today, we do have some copies  
25 of my presentation, also the presentation Mr. Baird

1 will be making here in just a minute. The documents  
2 that are of evidence here are a Draft Safety  
3 Evaluation Report, a Draft Groundwater Discharge  
4 Permit and Statement of Basis, and a Draft Radioactive  
5 Material License. Those are the documents that are  
6 the basis for my decision on this particular  
7 application. These documents are available on the  
8 internet and can be downloaded as indicated. And  
9 there's the internet address if you're interested in  
10 getting there and doing that. It depends on the  
11 machine you have. Sometimes you can do it. Sometimes  
12 you can't. If you're having problems, we urge you to  
13 call us and we can probably walk you through it and  
14 get the documents downloaded for you.

15           The documents are also available in a couple  
16 of other ways. We can give you a computer disk with  
17 the documents on it for a nominal fee. For also a  
18 nominal fee, which is free, which is a very nominal  
19 fee, if you would let us know, we'd be glad to e-mail  
20 the documents to you or you can get them in hard  
21 copy. And that's the most expensive way. So there  
22 are other opportunities to get the documents.

23           Well, what is the purpose of tonight's  
24 hearing? Well, we're here to gather comments on the  
25 tentative decision by the Executive Secretary to

1 approve the license application for containerized A, B  
2 and C low level radioactive waste and documents  
3 supporting that tentative decision which I just  
4 mentioned.

5           Have I made a decision or a final decision  
6 on the application? The answer is no. The  
7 administrative process that is set up to determine  
8 whether or not this application should be approved or  
9 denied is specified in our Radiation Control Rules.  
10 Specifically in the Radiation Control Rule entitled  
11 R313-17-2(1)(a), it requires the Executive Secretary  
12 to propose either approval or denial of the license.  
13 And so when I bring something to the public for  
14 comment, I have to either bring it in the form of a  
15 preliminary decision to approve or a preliminary  
16 decision to deny. And we've had some questions about  
17 that, so I wanted to clear that up for you.

18           In this particular licensing action, the  
19 Executive Secretary has proposed approval but must  
20 consider public comment before making any final  
21 decision. And I list some other rules that we must  
22 abide by. R313-17(4) requires the Executive Secretary  
23 to issue a response to all comments. And we do that  
24 in a document entitled a Public Participation  
25 Document, and that is prepared as part of the record

1 for this particular licensing action. And it includes  
2 a couple of things. If there are any changes that we  
3 make in terms of provisions of any of the documents  
4 that we have out for public comment, we have to  
5 indicate such. And we also have to indicate why it  
6 was changed. We also have to give a brief description  
7 or response to all significant comments, both oral and  
8 written. So your comments count, and they are  
9 considered.

10 Well, what if you disagree with the final  
11 decision of the Executive Secretary? As I indicated  
12 earlier, parties have 30 days from a final decision by  
13 the Executive Secretary to file an appeal with the  
14 Utah Radiation Control Board. That's simply done by  
15 writing me as the Executive Secretary of the board a  
16 letter saying that you desire to do that and give me  
17 the reasons why. And, again, when do the legislature  
18 and the governor weigh in on the process? Once again,  
19 it's after the final agency action, which I explained  
20 to you earlier.

21 I also wanted to make you aware of a new  
22 development which is related to this process. And  
23 that is that as of Monday, Envirocare submitted a  
24 license amendment request to the division. And I  
25 indicated Monday, the date, January the 29th. And

1 this request is to allow disposal of containerized A  
2 waste in the existing Class A cell. As such, the  
3 amendment request must be reviewed and found adequate  
4 to proceed. But in the case of Class A containerized  
5 waste, legislative and gubernatorial approval does not  
6 apply.

7           To give you kind of an idea of what this  
8 really means, I want to put up a map of the facility.  
9 Currently, there is an existing Class A cell which is  
10 located right here, (indicating). And to this point  
11 in time, Envirocare has not exercised an option to  
12 dispose of containerized A waste in that cell. But in  
13 this application amendment request that they have  
14 submitted, they've indicated that they would like the  
15 opportunity to do that. And so that gives them  
16 another option, so to speak.

17           The license application that we are  
18 discussing today refers to this proposed cell here,  
19 (indicating), which would take all containerized A, B  
20 and C waste. So I just wanted to make you aware of  
21 that change. That process will run kind of in  
22 parallel with the licensing process, and I know  
23 there'll be some confusion on that. So I kind of  
24 wanted to get that out on the table so people would  
25 start thinking about that at least.

1           Thank you for your attention. And we're  
2 going to turn some time now over to Bob Baird of URS.  
3 And he's going to explain the review process for us,  
4 and I'm going to switch seats with him.

5           MR. BAIRD: Good evening. My name is  
6 Robert Baird. I'm a project manager with URS  
7 Corporation here in Salt Lake City. Bill has asked me  
8 this evening to address a handful of issues that  
9 should take just ten minutes or so. I don't want to  
10 infringe upon your opportunity to offer testimony this  
11 evening. But Bill's asked that I give a brief  
12 introduction of the URS Corporation and identify my  
13 own personal experiences and qualification to lead the  
14 work that we're going to be reporting very briefly to  
15 you tonight. He's asked that we identify the scope of  
16 the review that we conducted and that we overview the  
17 various activities that we undertook in accomplishing  
18 that scope of work and then to identify the major  
19 topics that we have reviewed. So that's a brief  
20 overview of my presentation this evening.

21           By way of introduction, I'd like you to be  
22 aware that URS Corporation is a worldwide company  
23 consisting of about 15,000 people, mostly involved in  
24 engineering, construction, construction management,  
25 environmental restoration, environmental protection

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1 types of activities. It's a wide range of activities  
2 that are quite in demand these days. URS acquired the  
3 expertise and the employees of a small company that  
4 was founded here in Salt Lake City by the name of  
5 Rogers & Associates Engineering Corporation some time  
6 ago. That is, they acquired Rogers some time ago.  
7 And by virtue of that expertise and also other  
8 expertise from other sources, URS is quite experienced  
9 and acknowledged to be an authoritative source on  
10 matters involving radioactivity, radioactive materials  
11 and radiation protection.

12 I would mention to you that throughout the  
13 years, URS personnel have been involved with projects  
14 that have been conducted in support of the Nuclear  
15 Regulatory Commission, the Environmental Protection  
16 Agency, and numerous state agencies that are  
17 responsible either to regulate radioactive waste  
18 management activities or responsible to develop  
19 radioactive waste management facilities.

20 Specifically, URS has been involved in  
21 several license review applications over the years.  
22 At the bottom of this list is the most dated of  
23 those. Beginning in 1989, URS Corporation personnel  
24 were involved as team members in the review of US  
25 Ecology's license application to the California



1 Department of Health for a license to dispose of low  
2 level radioactive wastes in California.

3 More recently in the state of North  
4 Carolina, we were major participants, team members in  
5 review of Chem Nuclear's application to dispose of  
6 radioactive materials, radioactive waste in the state  
7 of North Carolina.

8 Even more recently, URS personnel  
9 participated, actually performed the dominant piece of  
10 the technical work involved in the review of  
11 Envirocare's license renewal application. You may or  
12 may not be aware that typically radioactive waste  
13 disposal licenses are granted for a period of five  
14 years and renewable after that period of time  
15 contingent upon addressing all of the requirements  
16 that would prevail at the time of renewal. So  
17 Envirocare was issued a license early in the '90s.  
18 And the fifth year, at the fifth year, they submitted  
19 a license renewal application as required by the  
20 regulations. And URS Corporation conducted the  
21 technical activities of that review.

22 By way of introduction of myself, I have two  
23 engineering degrees, a master's degree and a  
24 bachelor's degree with special studies in nuclear  
25 engineering. Those degrees were obtained early in the

1 '70s. I have 28 years of total experience, and about  
2 23 of those years have involved activities related to  
3 radioactive waste management and radiation protection  
4 issues. Through the years, I've provided support to  
5 the Department of Energy, the EPA, a little bit to the  
6 Nuclear Regulatory Commission, to states of Utah,  
7 Washington, Texas, North Carolina, Vermont, Michigan,  
8 Illinois, New York, several states. And all of these  
9 activities have been involved either in developing  
10 regulatory programs or in supporting agencies that  
11 were responsible to develop low level radioactive  
12 waste management facilities. I am a registered  
13 professional engineer in the state of California and  
14 have been since 1978. And last summer, I gained  
15 certification as a certified cost engineer.

16 Now on to the detail of our review. First  
17 of all, the scope of the review really is dictated by  
18 the regulations that apply here. And in this case,  
19 there are three regulations from the Utah Radiation  
20 Control Rules that apply and against which we  
21 evaluated Envirocare's license application. These  
22 include part 15 which are the standards for protection  
23 against radiation. This is comparable but not  
24 identical to the regulations, federal regulations  
25 contained in 10 CFR 20. Also part 22 of the Utah

1 rules state requirements for both the regulator and  
2 some requirements for the applicant that have to be  
3 addressed in specific licenses which this is an  
4 example of. And finally part 25, these are the  
5 requirements that are most specifically related to  
6 disposal of low level radioactive waste. It's the  
7 license requirements for land disposal of radioactive  
8 waste, general provisions, part 25. I'll identify for  
9 you a little bit later some of the details that are  
10 addressed in part 25.

11           Now the activities that we undertook as URS  
12 Corporation include the following. First of all, we  
13 reviewed Envirocare's license application for  
14 completeness. The effort was to determine, very  
15 briefly not on the basis of a detailed review but very  
16 briefly, were all of the topics addressed that the  
17 regulations required to be addressed. And as a result  
18 of that review, we've identified some areas where  
19 additional information would be required in order to  
20 make a substantive finding.

21           We identified those to the applicant through  
22 the State. And then we began a detailed review of the  
23 application and evaluation of the information provided  
24 therein to determine the adequacy of that  
25 information.

1           Having done that detailed review, we  
2 prepared interrogatories that were forwarded to the  
3 applicant, to Envirocare, to solicit information that  
4 we believe would be necessary in order to make an  
5 affirmative finding. And through the process of  
6 meetings with Envirocare and the State of Utah, we  
7 addressed those issues and identified information that  
8 would be acceptable to provide that to address those  
9 needs.

10           Next, once we received interrogatory  
11 responses from Envirocare, we evaluated those  
12 responses much as we did the original application to  
13 assess, to compare the substance of the information  
14 that they provided against the information that was  
15 required as a result of the regulations. And I  
16 mentioned also that we met frequently with Envirocare  
17 representatives as well as the State of Utah to  
18 discuss the various technical and regulatory issues  
19 and to identify information that could be provided  
20 that would address the deficiencies that we had  
21 identified.

22           After several months of working, of  
23 preparing interrogatories and reviewing interrogatory  
24 responses in these meetings, we proceeded to a point  
25 where the technical issues had been adequately

1 addressed based on the judgment of those knowledgeable  
2 and experienced professionals who were participating  
3 in the process. And at that point then, we proceeded  
4 to prepare a safety evaluation report or an SER. The  
5 purpose of this Safety Evaluation Report is twofold,  
6 first, to demonstrate that each regulatory requirement  
7 that applies has been adequately addressed and is  
8 satisfied through the application or other supporting  
9 information that has been provided. The second  
10 purpose is to provide some brief rationale for  
11 arriving at the conclusion that the regulatory  
12 requirement had been satisfied.

13           We also prepared a draft license that  
14 included numerous conditions that would have to be  
15 satisfied in the construction and operation of the  
16 disposal facility. And in fact, both the Safety  
17 Evaluation Report and the draft license, Bill has  
18 previously mentioned.

19           The final activity is that which we're doing  
20 this evening. And that is to participate in public  
21 hearings and to provide a modest amount of technical  
22 support to the division through the hearing process.  
23 And of course we're anxious to hear the comments and  
24 receive instruction and direction from the public on  
25 issues that they believe need additional attention.

1           The topics that we addressed are largely  
2 driven by the requirements of the regulations. And so  
3 the information or the topics that we judge to be most  
4 important that we did address in great detail include  
5 the following: First of all, we addressed the  
6 adequacy of the disposal embankment design. And we  
7 required that adequate justification of the design  
8 features be provided.

9           Another issue that we addressed in great  
10 detail was providing assurance to ourselves,  
11 satisfying ourselves that Envirocare would conduct the  
12 operations in such a way as to ensure that the workers  
13 at the facility would be protected from the radiation  
14 fields and exposures that would be possible.

15           We also addressed, examined the assessment  
16 of the long-term and short-term environmental  
17 performance of the facility which means evaluating the  
18 extent to which there might be releases from the  
19 facility into the environment as well as the extent to  
20 which members of the public might become exposed to  
21 those radioactive materials and receive radiation  
22 exposure. We also evaluated the extent to which  
23 financial assurances had been proposed and  
24 independently evaluated the adequacy of the estimate  
25 of the magnitude of financial assurances that should

1 be provided.

2           Site characteristics was not a major topic  
3 of evaluation in that the site has been reviewed  
4 extensively in the past and the characteristics are  
5 indeed such as to provide excellent protection to the  
6 health of members of the general public as well as to  
7 the environment and indeed to satisfy all applicable  
8 regulatory requirements.

9           We looked at the construction and operating  
10 procedures. At this point, the procedures exist  
11 basically as descriptions of procedures. And in  
12 discussions with the company and with also the State  
13 of Utah, it was concluded that assuming that all other  
14 issues are addressed adequately that a license would  
15 be issued and then that the detailed operating and  
16 construction procedures would have to be submitted to  
17 the State for review and ultimately for acceptance and  
18 approval before any waste would be allowed to be  
19 received at the facility. So that is an activity that  
20 has yet to occur.

21           We also addressed organizational issues as  
22 well as quality assurance matters and investigated or  
23 evaluated the closure plan that has been provided in  
24 the application as well as the plans for long-term  
25 maintenance. As a result of this work, we prepared

1 two documents, both of which have been mentioned  
2 already this evening, and that's the Safety Evaluation  
3 Report and the draft license. Those are both  
4 available by internet and directly from the division  
5 as Bill has mentioned. And I hope that's a fair  
6 introduction of my company, myself and of the work  
7 that we've done for the division. Thank you.

8 MR. SINCLAIR: We can take a few  
9 questions if there are any questions. Yes, ma'am.

10 #1 MS. COOK: I have questions.  
11 Inasmuch as there is such a low \$2.50 fee per ton on  
12 the -- is it the A and B waste that they're now  
13 depositing in the landfill, 2.50 a ton?

14 MR. SINCLAIR: That's what's called  
15 naturally occurring radioactive material and low level  
16 waste.

17 #1 MS. COOK: Is that like A, B or  
18 what?

19 MR. SINCLAIR: That's Class A.

20 #1 MS. COOK: That's Class A, a ripoff  
21 from a taxpayer's point of view, a ripoff compared  
22 with South Carolina's monies. In the event, and  
23 there's no question in my mind that this will probably  
24 sail through just slick as a whistle, and you're going  
25 to tell me that the legislature will set that fee for



1 this nuclear waste if they can't get an increase or if  
2 they can't get a bill passed for the 100 million of  
3 the new tax bill that they're trying, what can we  
4 expect as a fee for this nuclear waste?

5 MR. SINCLAIR: There's two issues  
6 here. One is the 2.50 a ton is what's called a  
7 regulatory fee. And that is money that is given to  
8 the -- it's put on radioactive waste coming into the  
9 state that goes to the State of Utah to support the  
10 activities of the Department of Environmental Quality.

11 #1 MS. COOK: And may I just ask you  
12 right here at this point?

13 MR. SINCLAIR: Uh-huh, sure.

14 #1 MS. COOK: Does it even cover the  
15 costs of the regulators and the administration?

16 MR. SINCLAIR: It depends. Let me tell  
17 you how the fees are structured in the state of Utah.  
18 All disposal fees in the state of Utah will go into  
19 one account, and so there are facilities within the  
20 state of Utah that dispose of hazardous waste, solid  
21 waste, radioactive waste. All those fees go into one  
22 account. Then all the programs of the Department of  
23 Environmental Quality that regulate those sites get  
24 their money from that account.

25 #1 MS. COOK: Does it cover costs?

1                   MR. SINCLAIR: As of last year, which  
2 would have been fiscal year 2001, 2001, we came up  
3 \$18,000 short. But by having that restricted account,  
4 what happens is that we also have years where we  
5 collect more money than is needed for the regulatory  
6 program because we found out a long time ago that  
7 there are ebbs and peaks in the way --

8                   #1 MS. COOK: Would you please give me  
9 a year when you -- did you make money? Or when was  
10 the year that you, you know, kind of balanced the  
11 books or --

12                  MR. SINCLAIR: Several years, we have  
13 balanced the books. For several years, we have  
14 balance the books.

15                  #1 MS. COOK: Well, let's see. The  
16 facility's been in place since the early '80s, so how  
17 many years?

18                  MR. SINCLAIR: Well, I don't have that  
19 information right with me, but I can get that  
20 information for you, if you'd like. Afterwards, if  
21 you see me, I'll get your address. And I'll be glad  
22 to get that to you.

23                  #1 MS. COOK: So last year, you were  
24 \$18,000 short of covering costs?

25                  MR. SINCLAIR: Well, the department

1 came up \$18,000 short of getting the money necessary

2 --

3 #1 MS. COOK: From the fees?

4 MR. SINCLAIR: -- from the fees to  
5 cover the costs of the program. We weren't \$18,000  
6 short because there was also a balance in the fund  
7 that covered the \$18,000 and more. That's why we have  
8 the fund because we know that there'll be lean years  
9 and then there'll be better years. So that's the  
10 regulatory fee part. And that covers the cost of  
11 overseeing the site. And then there's this other  
12 issue that you're talking about regarding a tax. And  
13 that's what the legislature is looking at currently.

14 #1 MS. COOK: And I understand running  
15 into quite a bit of difficulty with Envirocare?

16 MR. SINCLAIR: Well, I can't comment on  
17 that. That's really -- the tax issue is really not an  
18 issue the department really has concern about because  
19 we're really only concerned that we have enough money  
20 to make sure that we have the people to regulate the  
21 site. The legislature and whoever have to battle on  
22 that. Yes, sir.

23 #2 MR. COOK: I was interested when you  
24 said the radiation level would not be enough to harm  
25 the people that work there, are you using people that

1 have been exposed to it as examples or how are you  
2 reaching that point?

3 MR. SINCLAIR: I'll let Bob respond to  
4 that.

5 MR. BAIRD: Thank you. The question is  
6 whether we're using people who have been exposed to  
7 radiation or through some other means? Based on the  
8 experience that is had throughout the United States  
9 and really throughout the world on handling this type  
10 of waste, we know that it's possible to protect  
11 against the effects of radiation by providing time and  
12 distance and shielding between the radioactive waste,  
13 the hazard, and the person.

14 And the procedures that Envirocare is  
15 proposing allow that the workers will be adequately  
16 protected. And when I say adequately, that means that  
17 they will not be exposed to radiation levels that  
18 exceed what the regulations allow. And those  
19 regulations are set by state rule, and they're set  
20 also in federal rules.

21 And the risk is very, very small. I'm  
22 sorry. I don't have an exact number, but I would  
23 guess the risk is something in the range of one in ten  
24 million of cancer or some other health effect as a  
25 result of the radiation exposure. So to answer your

1 question, it's based on calculations, what the  
2 radiation levels might be and how long the person  
3 would be involved and also based on comparison to  
4 operating practices at other facilities which are  
5 known to be safe.

6 #2 MR. COOK: Can I ask you one more  
7 question?

8 MR. BAIRD: Sure.

9 #2 MR. COOK: You know, I've been  
10 around industry a little myself. And I heard two  
11 doctors speak on this matter. And when they find out  
12 what you can take and what you can't take is when you  
13 go to the mortuary and they do autopsies on you. Then  
14 they tell you what you died with, not you guys that  
15 write the papers and have all these reasons why we're  
16 supposed to be all right, you know, because I know  
17 that doesn't hold water. I've been around a day or  
18 two myself, and I know what industries go through.  
19 And that does not hold water more me. You can say  
20 that, and it sounds good, and you're probably  
21 believing it. But, you know, I'd hate to hunt up a  
22 job there with the statement that you make that it's  
23 all right because I've heard that all right stuff  
24 before. And it doesn't buy me.

25 MR. BAIRD: Well, your argument is with

1 the regulations, and I personally am in no position to  
2 change the regulations. That's not my job. I can  
3 tell you that we live in sea of radiation. Our bodies  
4 are radioactive from naturally occurring radioactive  
5 materials. Radiation is a part of our lives. And so  
6 if you feel that those standards are inappropriate,  
7 then that's another issue that needs to be addressed  
8 and that's not what we reviewed in reviewing this  
9 application.

10 MR. SINCLAIR: Yes, sir.

11 #3 MR. GARCIA: I have a question  
12 concerning the lady's question addressing state  
13 funding whether gain or -- you said they were short  
14 \$18,000. Could you maybe clarify the number of  
15 companies that the Division of Environmental Quality  
16 actually regulates so that the \$18,000 just isn't  
17 slamming it because of Envirocare, but there are  
18 actually numerous companies throughout the state that  
19 the DEQ is responsible for.

20 MR. SINCLAIR: You're really putting my  
21 memory on the spot here, but I could probably go  
22 through quite a list.

23 #3 MR. GARCIA: Well, just rough  
24 numbers.

25 MR. SINCLAIR: Here in Tooele county,

1 of course, you have the -- I've got to get the name of  
2 the company, Safety Clean Grassy Mountain Facility  
3 which is a hazardous waste landfill base fee. You  
4 have the Aragonite incinerator that also pays fees.  
5 And of course Envirocare of Utah pays fees. In  
6 eastern Utah, we have a industrial landfill called  
7 East Carbon Development. They also pay fees. I'm  
8 thinking of any others? No, no, there are a few  
9 others smaller operations that pay into the fees. But  
10 those are the big ones.

11 MR. SINCLAIR: Yes, ma'am.

12 #4 MS. ELLSWORTH: I'm Sharon  
13 Ellsworth. I understand that at this point, you're  
14 taking level A low level, Class A waste at this  
15 point. What is comprised in Class B and Class C, what  
16 kind of materials, what exactly will you be bringing  
17 into the county?

18 MR. SINCLAIR: When you're saying we --

19 #4 MS. ELLSWORTH: B and C.

20 MR. SINCLAIR: It's not the Department  
21 of Environmental Quality. It's Envirocare.

22 #4 MS. ELLSWORTH: Envirocare, what are  
23 they proposing to bring in?

24 MR. SINCLAIR: I'm going let Bob answer  
25 that question.

1                   MR. BAIRD: First of all, the classes  
2 of waste are based -- the definitions for those  
3 classes of waste are in Utah regulation part 15 and  
4 also in federal regulation 10 CFR 61. And Class A is  
5 the least hazardous, if I can use that term. And  
6 Class B is a greater hazard, and Class C is a greater  
7 hazard still. The vast majority of the waste is  
8 generated in nuclear power plants as well as medical  
9 facilities, research facilities, industrial facilities  
10 that are manufacturing items containing radioactive  
11 materials.

12                  Class B and C waste consists in large  
13 measure of ion exchange resins that are used to clean  
14 up the cooling water in nuclear power plants. So  
15 we're removing contaminants from the water, and they  
16 become very radioactive. Also there might be  
17 irradiated hardware that is used inside the reactor to  
18 hold various items in place, and those irradiated  
19 hardware also become very radioactive. And what  
20 else? Filter cartridges also used for water clean up  
21 and so forth would be the higher hazard waste. Does  
22 that answer your question?

23                  #4 MS. ELLSWORTH: Yes, it does. Thank  
24 you.

25                  MR. SINCLAIR: Okay. We'll take one



1 more question. Then we'll get started on our  
2 comments.

3 #5 MR. WATKINS: I want to make a  
4 comment on -- -- Jaime Watkins. And my concern is  
5 about the south area depot is supposed to meet federal  
6 and state regulations; is that correct? I'm just  
7 using it as an example. But they always have leaks.  
8 And half the time, we don't even hear about them. Now  
9 what steps are you going to take to ensure this  
10 radioactive material doesn't get out and maybe someone  
11 in my family doesn't become another radioactive cancer  
12 statistic?

13 MR. SINCLAIR: Thank you. That's a  
14 good question. Bob, do you want to address that?

15 MR. BAIRD: Sure. Yeah, the steps that  
16 Envirocare has proposed are documented in their  
17 application. The principal design features include  
18 the radioactive waste embankment and the waste that's  
19 received at the site is contained in shipping  
20 containers that have to satisfy Department of  
21 Transportation requirements for tightness and  
22 strength.

23 And the Class B and C wastes are also placed  
24 inside concrete vaults that are designed to withstand  
25 the normal stresses and loads that they would be

1 subjected to. All the voids within the embankment are  
2 filled with backfill material so that the potential  
3 for subsidence is very minimal. The facility is then  
4 covered with an engineered cover system, and that's  
5 designed to minimize the infiltration of water into  
6 the disposal unit. There's drainage components,  
7 surface water drainage components and of course the  
8 normal security fencing and so forth, access  
9 controlled.

10           The operations are conducted under a set of  
11 documented procedures. The workers have to handle the  
12 waste in certain ways, in prescribed ways that have  
13 been reviewed to determine whether they are effective  
14 in protecting the workers from the hazardous waste and  
15 also whether they are effective in containing the  
16 waste, not creating a situation or a condition that  
17 would allow the waste, the contaminants, to be  
18 released from the facility.

19           And once again, there are federal and state  
20 standards that have been specified that determine how  
21 much release is allowable and how much radiation  
22 exposure is allowable to any member of the general  
23 public or to anyone working at the facility. And,  
24 again, the result of our review was that those  
25 standards have been satisfied.

1                   MR. SINCLAIR: Okay, thank you, Bob.  
2 We're going to go ahead and get started on the public  
3 comment part of the meeting now. I'm going to bore  
4 you to death by reading our hearing statement. I'm  
5 sorry we have to do this, but it's part of the  
6 process. And so what I'll do is I'll introduce this  
7 particular part of the meeting with the hearing  
8 statement. Then I'll start calling people up. And I  
9 notice we have some elected representatives here, and  
10 we'll ask them to come and speak first. And then  
11 we'll just call you up one by one. And we're going to  
12 place the microphone up on the table. So as you come  
13 and sit in the seat, speak into the mic, and we'll go  
14 from there. So I apologize if you've heard this 50  
15 times, but here we go again.

16                   Ladies and gentlemen, we call this hearing  
17 to order and welcome you to this evening's public  
18 hearing on a preliminary decision by the Executive  
19 Secretary of the Utah Radiation Control Board  
20 concerning the Envirocare commercial radioactive waste  
21 disposal facility application to receive and dispose  
22 of containerized Class A, B and C low level  
23 radioactive wastes.

24                   This determination was necessary as a result  
25 of requirements in the Radiation Control Act, Utah

1 Code Annotated, 19-3-105(1)(a), that requires the  
2 approval of a license application by the Executive  
3 Secretary of the Utah Radiation Control Board as a  
4 necessary step in the licensing process. The  
5 Executive Secretary of the Radiation Control Board has  
6 made a preliminary decision to approve the license  
7 application as detailed in an application submitted to  
8 the division on November 1st, 1999, which has been  
9 supplemented through revisions as a result of the  
10 application review process.

11 To support the preliminary decision by the  
12 Executive Secretary, a draft Safety Evaluation Report,  
13 Radioactive Material License for containerized A, B  
14 and C low level radioactive waste has been prepared.  
15 As a result of the request in the application to  
16 receive and dispose of containerized Class A, B and C  
17 low level radioactive waste, it has also been  
18 necessary to modify the Envirocare Groundwater  
19 Discharge Permit to include monitoring requirements  
20 for the landfill cell where the containerized waste  
21 will be disposed. A draft Groundwater Discharge  
22 Permit and statement of basis has been prepared to  
23 support this action.

24 My name is Bill Sinclair. I am the  
25 Executive Secretary of the Utah Radiation Control

1 Board and director of the Division of Radiation  
2 Control, Utah Department of Environmental Quality.  
3 And tonight I'm serving as the hearing officer.

4           A 60-day public comment period commenced on  
5 January the 2nd, 2001, with publication of a notice in  
6 the Salt Lake Tribune, Deseret News, Ogden Standard  
7 Examiner, Davis County Clipper, St. George Spectrum,  
8 Tooele Transcript Bulletin, San Juan Record, Grand  
9 Junction, Colorado, Daily Sentinel and the Provo Daily  
10 Herald. Notice of the 60-day public comment period  
11 was published in the Salt Lake Tribune, Deseret News  
12 and Tooele Transcript Bulletin for three consecutive  
13 weeks by publication on January the 2nd, 9th and 16th,  
14 2001. Copies of the draft Safety Evaluation Report,  
15 draft Radioactive Material License, draft Groundwater  
16 Discharge Permit and a Statement of Basis have been  
17 made available for examination at the offices of  
18 Division of Radiation Control, 168 North 1950 West,  
19 Room 212, Salt Lake City, Utah.

20           In addition, copies of the documents have  
21 also been available on the Division of Radiation  
22 Control web site. Opportunity will be provided to any  
23 person desiring to participate in these hearings.  
24 Written statements dealing with the preliminary  
25 decision and supporting documents must be postmarked

1 no later than Friday, March the 2nd, 2001 or received  
2 by electronic mail no later than 5:00 p.m. on Friday,  
3 March 2nd, 2001, to be accepted for the record. If  
4 anyone desires to make an oral statement, a form was  
5 available as you signed in for the hearing indicating  
6 whether or not you wished to make an oral comment.  
7 You should have indicated your desire to speak at that  
8 time on the form.

9           This is an administrative hearing and as  
10 such there'll be no cross-examination of the  
11 witnesses. I'd ask that you confine your remarks to  
12 the matter at hand and try to limit them to five  
13 minutes or less. The hearing will be concluded after  
14 all those who desire to make a statement have done  
15 so.

16           We'll now proceed and hear any statements.  
17 As you approach me to offer comment, please state your  
18 name and relevant affiliation for the record. So our  
19 court reporter may correctly identify you, we may ask  
20 you at that time to pronounce or spell your name for  
21 the hearing record. I've asked the court reporter to  
22 intercede any time it is necessary to make sure the  
23 hearing record is accurately reflected.

24           And so we'll now begin. And I notice there  
25 are some elected official with us tonight. I believe

1 some of our county commissioners are here. Dean  
2 White, Commissioner White. Commissioner Rockwell is  
3 here. Either one can come up. Doesn't matter.  
4 #6 COMMISSIONER ROCKWELL: Thank you  
5 for having this hearing here in our county. We  
6 appreciate that so we can get public comment. My name  
7 is Dennis Rockwell. I'm a Tooele County  
8 Commissioner. Envirocare of Utah, B and C waste,  
9 containerized, and also the A, I think it's time that  
10 Utah steps up to the plate and takes care of the waste  
11 that we do produce here within our own state. If it  
12 helps out other states with their problem, so be it.  
13 If we we're not going to step up to the plate and take  
14 these materials that we work with and that we use,  
15 maybe we should outlaw all radiation within Utah.  
16 Maybe give up the, oh, the hospitals that use it.  
17 Maybe they need to get rid of it, the sterilizing  
18 places, other things that use this type of material in  
19 order to perform their duties.  
20 I wonder what the world would be like today  
21 if we did do that. I know for myself I was in the  
22 hospital and had some x-rays and some other stuff done  
23 to me. And I'm sure glad those doctors didn't have to  
24 open me up to take a look at what was going on inside  
25 because it turned out they didn't need to. The

1 regulation oversight at Envirocare is in place. I  
2 believe it's doing the job that it should. It can be  
3 safely stored.

4 I don't believe that radiation is  
5 selective. I've read about the nuclear bombs and  
6 stuff going over in southern Utah. And it baffles me  
7 that it seemed to be very effective. It affected some  
8 but not others. I know for myself I came down with  
9 polio at a very young age. I would think that if that  
10 was moving throughout the community that everybody  
11 would get it. It still amazes me that my brothers, my  
12 friends, those that were alive at the same time I was  
13 did not come down with that serious ailment. It can  
14 be controlled, I think, being in containers, meeting  
15 the standards that it needs to, that it can be handled  
16 very safely. Stored in a place that is protected and  
17 that is well suitable for the storage of these  
18 hazardous materials. And I would ask you to approve  
19 the license application for Envirocare on this  
20 subject. Thank you.

21 MR. SINCLAIR: Thank you,  
22 Commissioner. Commissioner White?

23 #7 COMMISSIONER WHITE: My name is Gene  
24 White. I'm a Tooele County Commissioner also. And I  
25 have spent a lot of time really researching and trying



1 to look into all of the issues that involve  
2 Envirocare's B and C material that's out there. I  
3 have been an adamant opponent of Private Fuel  
4 Storage. And I still remain that at this time,  
5 although some of the politicians, the way they're  
6 acting about some things kind of makes you maybe you  
7 ought to change your mind. Sounds like they're trying  
8 to annihilate the Indians in Skull Valley in the  
9 process of doing these things, and I don't think  
10 that's a fair way to approach things as well.

11 But I went out and I visited the site, spent  
12 quite a bit of time at Envirocare's site. I also want  
13 it to be noted that I have no obligation to Envirocare  
14 politically or otherwise. I did not receive any funds  
15 from them, nor did I solicit any because I wanted to  
16 try to remain objective.

17 But I visited the site, and I saw the  
18 technology that was there. I saw the skill level of  
19 the workers who were there. And then I come back and  
20 I sat and pondered the goal that I had on economic  
21 development. And in that process, I met with some of  
22 the politicians on economic development. And the  
23 current political climate really isn't interested in  
24 helping Tooele county in economic development. They  
25 would like to see if they could take some away from

1 Tooele county. And whatever it is they want to take  
2 away, but there's nothing they want to do to replace  
3 it. And I think we have an obligation those people  
4 who are currently employed here, the number of people  
5 that do derive a livelihood from Envirocare.

6 I can't find anything for the local  
7 residents where it would be subject to any kind of  
8 health hazard. There could be to those who work on  
9 site. I don't have a way of scientifically knowing  
10 whether that would be the case or not. But it's  
11 located on one section of grounds, 640 acres,  
12 somewhere in that neighborhood, on what little, if you  
13 want to call it an aquifer, it's a dead hole in the  
14 ground that's not going to go anywhere.

15 And at the same time, I have a  
16 responsibility to the Tooele county landfill. And we  
17 know they're concerned about illegal dumping that goes  
18 on in Tooele county landfill of some of this type of  
19 material. And I'm sure it goes on all over the United  
20 States, and it's not simply something we have here.  
21 If we can regulate getting rid of the stuff right,  
22 then I think it needs to be done. It's not something  
23 that I'm excited about. Nor do I feel like that I  
24 would go out and solicit it. But since it's already  
25 here and it is a good economic source of income for

1 Tooele county and not only provides approximately five  
2 million dollars in mitigation fees to the county, it  
3 also provides a lot of jobs for those who work  
4 directly for Envirocare and those who contract as  
5 well. So I think that we ought to look at it once  
6 again on a scientific level, not try to react to  
7 emotions and try to do what's in the best interest of  
8 the people of Tooele county as well as other people  
9 throughout the country.

10 I couldn't help it as I drove past the  
11 Huntsman Cancer Center the other day, you look there  
12 and you think of the number that people that are  
13 receiving radiation treatment. You go down in South  
14 Salt Lake, and you drive past the medical facility  
15 that sterilizes medical equipment. Then as I came  
16 around the mountain, there's Kennecott, who in the  
17 mining industry uses radiation as well. And I  
18 thought, Where would we be without radioactive  
19 material in the better way of life that we have?

20 But yet then it becomes waste and we have to  
21 get rid of some of it. Then all of a sudden we're  
22 concerned and it has a bad name to it. It ought to be  
23 either good or bad either way as far as I'm  
24 concerned. And if we're going to use it in making our  
25 life better, then we've got to be prepared to accept

1 the consequences that go with this. And I think we  
2 have the same responsibility to get rid of it as  
3 well.

4           And it would be easy to say, Let everybody  
5 take care of their own. But we know in the heavily  
6 populated areas in some other parts of the country,  
7 they weren't blessed with a piece of desert that isn't  
8 good for much besides that. So we just happened to  
9 end up with it. And so at this point, I feel like I  
10 have to support what Envirocare does and that you  
11 might consider moving on their permit as well. Thank  
12 you.

13           MR. SINCLAIR: Thank you,  
14 Commissioner. I don't see by the list there are any  
15 other elected officials that wish to speak, so we're  
16 just going to start going down the roster as such.  
17 Oh, I do see, not an elected official, but certainly  
18 an official of Tooele County. I'm going to ask Myron  
19 if he'll come up, Myron Bateman.

20           #8 MR. BATEMAN: Thank you very much.  
21 I've been involved with the vitrol project and the  
22 other projects out on the desert as far as evaluating  
23 the sites and those things. And I'm going to speak on  
24 behalf of Tooele County Health Department. I'm the  
25 health officer. As far as the site evaluation and for

1 public health, that is probably the best area that you  
2 could have to store this type of waste, A, B and C.  
3 It poses no public health problem. It's located 38  
4 miles from a population base. The soils out there, as  
5 you well know, the clay base has a thickness of over  
6 ten feet. The water quality out there is not  
7 drinkable by man or animal. Those types of things  
8 there. It has a migration of almost zero. So the  
9 site, as far as an environmental and a public health  
10 standpoint, has no risk.

11           The material has very low risk as far as an  
12 accident and those types of things. It's a lot easier  
13 for us to deal with as a health department with regard  
14 to a spill on the highway than what we do with a  
15 gasoline tanker and those type of fuels and things  
16 like this. This is an easier item to clean up and  
17 take care of. And I'd rather respond to something  
18 like that with my people than some the other things we  
19 deal with in our environment. So I just want to give  
20 that report from the public health department.

21           MR. SINCLAIR: Okay. Ron Gaynor.

22           #9 MR. GAYNOR: I've joined the ranks  
23 of one of those repetitive speakers, I guess. Thank  
24 you, Mr. Sinclair. Thank you both. My name is Ronald  
25 Gaynor. And I'm an engineering consultant to

1 Envirocare. I've been working on the application for  
2 this license amendment for the last year and a half.  
3 In regard to my own background, I'm a licensed  
4 engineer, and I've worked in the radioactive waste  
5 management field for over 20 years. My experience  
6 includes engineering design, construction, operations  
7 and monitoring at many of the radioactive waste  
8 disposal facilities in other states. I've also  
9 visited and studied similar facilities around the  
10 world including France, Germany, Sweden, South Africa,  
11 Russia and Slovakia.

12 I recognize that the sole purpose of this  
13 hearing and the others like it is to discover any  
14 technical issues that are not adequately covered in  
15 the study that has led to a preliminary approval of  
16 Envirocare's proposal. Speaking on behalf of  
17 Envirocare, I would like to assure you that Envirocare  
18 welcomes any such information that may lead to an  
19 improved plan for making certain that these wastes are  
20 received and cared for safely.

21 The research done on this proposal by both  
22 the staff of the Department of Environmental Quality,  
23 Envirocare and also all of their consultants has taken  
24 substantial time and effort over the last year and a  
25 half. DEQ has spent about \$480,000 of Envirocare's

1 money on the project, and Envirocare has spent much  
2 more than that on preparing the design and analysis  
3 and in responding to DEQ's technical review  
4 questions.

5           The questions that DEQ has asked have  
6 demonstrated an in-depth knowledge of the issues  
7 involved. And we appreciate the fact that on many  
8 occasions, DEQ's staff and their consultants have  
9 spent many long hours on the project to complete their  
10 review in an efficient and timely fashion.

11           As I stated, we recognize that these  
12 hearings have a single purpose, to identify any  
13 shortcomings in the technical studies that have led to  
14 a tentative approval of the project. At the same  
15 time, our experience in other hearings of this nature  
16 is that some will use these hearings to argue from a  
17 philosophical or political point of view. As you  
18 mentioned earlier, the decision on that basis will be  
19 made by the Utah Legislature and the Governor  
20 following the completion of the regulatory process.

21           Therefore, in an effort to save the time of  
22 the hearing officers and members of the public, we  
23 would like to make some brief statements about some of  
24 the issues which may be brought up so that it will not  
25 be necessary for a long list of Envirocare supporters

1 to counter those arguments and extend the hearing.

2 I'd like to deal quickly with the claim that  
3 may be made that if Envirocare's license to receive  
4 Class B and C wastes is approved that Utah would  
5 become the nation's dumping ground for radioactive  
6 wastes. I have just two points to make on that  
7 subject.

8 First, there are a total of nine facilities  
9 in nine states that are receiving these wastes. Three  
10 are commercial facilities, and six belong to the  
11 federal government. Additionally, there are  
12 radioactive wastes disposed in several other states.  
13 And those are indicated on a map at the side of the  
14 room here in the color blue. In fact, there are a  
15 couple of states which have radioactive facilities  
16 which have been inadvertently omitted from that map.

17 The second point I would like to make is  
18 illustrated by this next graphic. 97 to 99 percent of  
19 all low level radioactive wastes are of the Class A  
20 type or the type which is of the lowest and  
21 shortest-lived hazard. Only about three percent of  
22 all low level waste is Class B and C.

23 If Envirocare is authorized to receive Class  
24 B and C waste, it will only receive a fraction of the  
25 B and C wastes available or produced in this country.



1 The other facilities which are currently receiving  
2 Class B and C waste will continue to dispose of and  
3 compete for those wastes against Envirocare. At the  
4 outside, Envirocare may receive up to four percent of  
5 all low level waste in the country, hardly making Utah  
6 the nation's dumping ground. Thank you very much for  
7 this opportunity.

8 MR. SINCLAIR: Thank you. Mark  
9 Ledoux. Mark Ledoux will be followed by Art Palmer.

10 #10 MR. LEDOUX: Thank you. My name is  
11 Mark Ledoux. I am the radiation protection manager  
12 for Envirocare's proposed Class B and C facility. I'm  
13 here making a statement for Envirocare but also for  
14 myself. I would like to make a few comments  
15 concerning the safety of transporting and handling  
16 Class B and C waste.

17 First, I would like to discuss my  
18 credentials and experience with handling and  
19 transporting radioactive waste. My career in  
20 radioactive waste started with the Navy nuclear power  
21 program. I operated nuclear power plants on  
22 submarines for six years. After leaving the Navy, my  
23 career totaling 21 years has all been dedicated to  
24 radioactive waste. This includes processing,  
25 transportation and disposal.

1           I have personally packaged for transport  
2 hundreds of shipments of radioactive material  
3 including Class B and C waste. Most of these  
4 shipments were destined for disposal at Barnwell,  
5 South Carolina; Beatty, Nevada; or Richland,  
6 Washington. My previous job before Envirocare was  
7 with US Ecology, another radioactive waste disposal  
8 company, as a deputy corporation radiation safety  
9 officer. I am also a registered radiation protection  
10 technologist and a certified health physicist.

11           The first item, Nature of radioactive waste  
12 that Envirocare will handle, as required by the US  
13 Nuclear Regulatory Commission and subsequently Utah  
14 Division of Radiation Control, all the waste will be  
15 in solid form. No liquid waste is allowed for  
16 disposal. Envirocare will select and check waste  
17 received at the site to ensure compliance with this  
18 requirement.

19           Number 2, all waste that will be transported  
20 on public roads must meet the stringent regulations of  
21 US Department of Transportation and US Nuclear  
22 Regulatory Commission. At a minimum, radioactive  
23 waste packages must be in strong, tight containers  
24 that will hold their contents during normal incidents  
25 for transportation. This includes packages that are

1 transported in type A, DOT-certified shipping casks.  
2 These are steel- and lead-lined containers used for  
3 transporting waste on the road.

4           For higher levels of radiation, they must be  
5 transported in type B, NRC-approved shipping casks.  
6 These casks are designed to hold their contents under  
7 hypothetical situations such as a collision with a  
8 train. Shipments of radioactive waste are enroute  
9 through low risk areas, typically interstates such as  
10 I-15, I-80 and I-215. There is only a short five-mile  
11 stretch from I-80 to the Envirocare site. There are  
12 no schools, children, or general members of the public  
13 along this road. These types of shipments are being  
14 transported through the state of Utah now.

15           Number 3, all Class B or C waste must be  
16 stabilized for disposal. This means that the waste is  
17 either mixed with concrete or other approved media or  
18 placed inside of high integrity containers. The list  
19 of approved high integrity containers or stabilization  
20 media shall be approved by the Utah Division of  
21 Radiation Control. Again, as required by the US  
22 Nuclear Regulatory Commission, this keeps the material  
23 safe for 300 years.

24           In addition, above and beyond the state and  
25 federal regulations, Envirocare will place B and C

1 waste inside steel reinforced concrete overpacks which  
2 will not only assist in long-term containment, but  
3 will provide additional shielding for workers during  
4 disposal operations.

5           Number 4, some clarification for companies  
6 that transport that hazardous material, in accordance  
7 with DOT requirements, all companies that transport  
8 hazardous materials are required to comply with all  
9 the provisions of the federal hazardous materials  
10 transportation laws, regulations and such. As  
11 required by 49 CFR, the DOT regulations, all drivers  
12 that transport hazardous material must have in their  
13 possession emergency response paperwork with a 24-hour  
14 emergency contact number. This paperwork and the  
15 shipping papers must be physically located within  
16 reach of the driver. Also the drivers must be trained  
17 in emergency response, self-protection measures and  
18 accident prevention. Retraining is required every  
19 three years. There are also national hazardous  
20 response teams of which Utah is a member. These are  
21 also complemented by the emergency response necessary  
22 for transporting the transuranic waste from Idaho to  
23 New Mexico.

24           And finally, in 1990 and '83, 1983, the  
25 Nuclear Regulatory Commission implemented 10 CFR 61

1 which regulates how radioactive waste is disposed.  
2 This regulation was a result of a significant amount  
3 of experience related to this subject. Even now, the  
4 industry is developing better processes for reducing  
5 and stabilizing radioactive waste which helps to  
6 reduce exposures and make it safer to handle.

7 In summary, just like almost all things,  
8 there are no guarantees. However, the industry has  
9 developed an excellent safety record over more than 30  
10 years during which millions of radioactive material  
11 shipments have been made without identifiable injury  
12 or death attributable to radiological causes. Thank  
13 you for your time.

14 MR. SINCLAIR: Thank you, Mark. Art.  
15 Art will be followed by Harry Shinton.

16 #11 MR. PALMER: Hi. My name is Art  
17 Palmer. I'm an Envirocare employee, and I'd like to  
18 thank the department for one more opportunity to  
19 provide comments on the draft B and C licensing  
20 documents. I'm Envirocare's corporate radiation  
21 safety officer. I have a degree in physics. I'm a  
22 certified health physicist and a registered radiation  
23 protection technologist.

24 But more importantly, I have 25 years of  
25 experience in the safe handling, transportation and

1 disposal of radioactive materials. My experience  
2 includes the US Navy, commercial nuclear power plants,  
3 Department of Energy facilities and waste processing  
4 and disposal sites. As a health physicist with a  
5 broad background, I'd like to speak to the topic of  
6 responsible management of radioactive waste.

7           Virtually everything we do in our society  
8 creates some sort of waste. Office work creates paper  
9 waste. Hygiene creates sewage. Yard work creates  
10 cuttings. Farming creates waste. Similarly, many of  
11 the things we do in our society create radioactive  
12 waste. These include medical research and treatment  
13 and many manufacturing activities. This also  
14 includes, of course, the dependence we now have on  
15 hundred nuclear electric generating plants presently  
16 in operation in the United States.

17           Now I suspect that none of us are willing to  
18 do away with toilets and showers to eliminate those  
19 wastes. And I believe there are few who are willing  
20 to give up on the many productive uses of  
21 radioactivity that create the waste that we're now  
22 discussing. Furthermore, even if we were willing,  
23 it's simply not practical because they're so widely  
24 used. Consumer products incorporating radioactivity  
25 include clocks, compasses, wrist watches, gunsights,

1 smoke detectors, high quality optics, ceramic glazes,  
2 camping equipment and airplane components.

3           Industrial users of radioactive materials  
4 include steel mills, equipment sterilization  
5 facilities, well logging, pipeline and ship  
6 construction and pharmaceutical development.  
7 Radioactive materials are also prominently used in  
8 research institutions and areas ranging from genetic  
9 disease to materials science to sports medicine. I  
10 expect there is no one in this room who hasn't been  
11 touched either directly or through a family member by  
12 the medical uses of radiation ranging from x-rays to  
13 cancer treatments.

14           We are all also in a national electricity  
15 shortage. This crisis is spreading from California to  
16 other western states. A significant portion of our  
17 nation's electric supply, approximately 20 percent, is  
18 generated by nuclear generating facilities. There are  
19 probably few of us who would shut down these electric  
20 generating facilities. And even if they were to be  
21 shut down, that action in itself would create a  
22 greater need for proper disposal of radioactive wastes  
23 rather than a lesser need. The radioactive materials  
24 are used throughout Utah. The map to my right depicts  
25 locations of over 200 radioactive materials

1 licensees. Each one of these are very likely to  
2 generate radioactive waste in one form or another.

3           So these wastes are basically a fact of  
4 today's life. We have them on our hands. Our real  
5 challenge is ensuring that they're cared for safely.  
6 Beginning in the early 1980s, Department of Energy  
7 spent eight years researching 29 possible locations to  
8 permanently dispose of two and a half million cubic  
9 yards of radioactive waste which was then located in  
10 Salt Lake county. They settled on a site in Tooele  
11 county near Clive based on its location, physical  
12 features and environmental characteristics.

13           The Utah Department of Environmental Quality  
14 has recently completed a study of this same site to  
15 determine whether it's an appropriate location to  
16 manage Class B and C wastes and found it to be  
17 satisfactory. The same department recently spent more  
18 than a year analyzing Envirocare's proposed program  
19 for receiving these wastes and properly disposing of  
20 them at the Clive site and found the proposal to be  
21 satisfactory. Now the US NRC has limited Class C  
22 radioactive waste concentrations to those that will  
23 decay to safe levels in 500 years in the 10 CFR 61  
24 environmental impact statement.

25           So I repeat. These radioactive are a fact



1 of modern life. They can and have been managed safely  
2 for over 20 years. The Envirocare site is an optimum  
3 place to dispose of them, and DEQ has studied  
4 Envirocare's proposal and found it to be appropriate.

5           One objection that's been raised is concern  
6 about other low level radioactive waste disposal  
7 facilities that have, quote, "leaked," unquote.  
8 Facilities that have evidenced groundwater  
9 contamination have all been facilities designed more  
10 than 20 years ago and well before the current waste  
11 disposal site design criteria was established.  
12 They've also accepted liquid radioactive wastes and  
13 were located in wet climates.

14           The Envirocare facility is located in a dry  
15 climate. It will not accept liquid radioactive waste  
16 for disposal. And it's designed and operated in  
17 accordance with the requirements developed to ensure  
18 prevention of groundwater contamination. So I'd just  
19 like to say the majority of the people in Tooele  
20 county would like to see Envirocare's proposal be  
21 approved. And I believe that this is a responsible  
22 approach to managing radioactive waste that we all  
23 benefit from. Thank you very much.

24           MR. SINCLAIR: Thank you. After Mr.  
25 Shinton, Larry Lyon.

1                   #12 MR. SHINTON: My name is Harry  
2 Shinton, S-h-i-n-t-o-n. I'm employed in the Tooele  
3 County Sheriff's Office in the hazardous materials  
4 division. And I would like the record to reflect I  
5 just delivered to Mr. Sinclair 12 packets of four  
6 photographs each that contain evidence of spent fuel  
7 rods coming through Utah that I took pictures of back  
8 in February of the year 2000.

9                   And I want to share for the record that  
10 radiation does not come in this community without us  
11 knowing about it, "us" being the emergency  
12 responders. Here's the memo I received pertaining to  
13 the photographs that were presented. A shipment of  
14 spent fuel scheduled to depart Maryland at 1600 hours  
15 on Thursday, February 3rd of the year 2000. The  
16 shipment will be entering Utah approximately 1600  
17 hours on Saturday, February the 5th of 2000. I will  
18 notify the shipper I-215 is a preferred route through  
19 Salt Lake. I-80 is listed. I will update you when I  
20 get official response.

21                   The shipment information follows. Please  
22 remember this information is only to be released on a  
23 need-to-know basis. And these are spent fuel rods  
24 enroute to California from Maryland. I make the  
25 public aware and the board aware of that because part

1 of our responsibility in the hazardous materials  
2 division is to respond in the event of an emergency.

3           The next information that I'm going to share  
4 is from the US Department of Transportation Emergency  
5 Response Guidebook, the last one published was in the  
6 year 2000, dealing with responses to radiation  
7 accidents, quote: Radiation presents minimal risk to  
8 transport workers, emergency response personnel and  
9 the public during transportation accidents. Packaging  
10 durability increases the potential radiation, and  
11 hazards of the contents increase. Undamaged packages  
12 are safe. Contents of damaged packages may cause  
13 higher external radiation exposure or both external  
14 and internal radiation exposure if contents are  
15 released. Type AF or IF packages identified by  
16 package markings do not contain life threatening  
17 amounts of material.

18           The Emergency Response Guidebook goes on to  
19 explain what we, as first responders, will do, how we  
20 neutralize the situation. Under protective clothing,  
21 it says, positive pressure self-contained breathing  
22 apparatus and structural fire fighter protective  
23 clothing or turnouts will provide adequate protection  
24 against internal radiation exposure.

25           Then it talks about spills: Do not damage

1 packages or spill material. Damp surfaces on  
2 undamaged or slightly damaged packages are seldom an  
3 indication of package failure. Most packaging for  
4 liquid contents have inner containers and/or inner  
5 absorbent materials. Liquid spills, package contents  
6 are seldom liquid. If any radioactive contamination  
7 resulting from a liquid release is present, it will  
8 probably be low level. Under the first aid section,  
9 medical problems take priority over radiological  
10 concerns. If someone is hurt in an accident, that's  
11 your concern, not the radiation.

12 I submit that as a trainer for first  
13 responders from the hazardous materials arena here in  
14 Tooele county that, Mr. Sinclair, we are trained to  
15 handle any type of emergency. We can respond to any  
16 type of incident dealing with radiation. As has been  
17 stated in the past, where sometimes radiation goes  
18 through residential communities is not true. I have  
19 said it on several times before the radiation board  
20 that I deal in facts. I do not deal from an emotion  
21 position.

22 We are in a position in Tooele county as  
23 first responders to address any issue dealing with  
24 Envirocare if they have a problem. In my experience  
25 with hazardous materials in the last 12 years in

1 Tooele county, Envirocare has been a good neighbor.  
2 They have been an asset to the community. And in the  
3 arena of emergency responders, they have saved lives  
4 because of our MOU dealing with interstate 80 and  
5 their EMTs on scene with their ambulance because of  
6 accidents that have occurred on interstate 80, they  
7 have been the first ones on the scene. By them being  
8 there, they have saved life. My position with the  
9 hazardous materials division of the Tooele County  
10 Sheriff's Office is to support Envirocare's  
11 application for the B and C waste. And I thank you  
12 for your time.

13 MR. SINCLAIR: Thank you. Following  
14 Larry, we're going to hear from Tim Booth.

15 #13 MR. LYON: My name is Larry Lyon.  
16 I'm an employee of Envirocare, and my relevance to  
17 this hearing is not only my employment with  
18 Envirocare, but I feel like I have a unique  
19 perspective because as a radiation safety  
20 technologist, I have worked at some of the sites that  
21 ship waste to Envirocare, namely, the Maywood  
22 properties in northern New Jersey, the RMI titanium  
23 plant in Ashview, Ohio, and Kentucky Electric Steel in  
24 Ashland, Kentucky.

25 So one thing, one point I'd like to make is

1 that one gentleman mentioned it's time for Utah to  
2 step up to the plate. And I totally agree with that  
3 because the idea that each state should just take care  
4 of its own waste, to me, it doesn't make sense  
5 because, to me, it's not just a New York state  
6 problem. It's not just an Ohio state problem or a New  
7 Jersey state problem. It's a national problem. And  
8 the reality is, having worked in the excavation of  
9 these wastes, taking them out of people's yards, out  
10 of their homes, out of community parks, and then  
11 working now where they're going to out in the middle  
12 of nowhere out in the desert, it's just, you know, I  
13 would be interested to see if a person that has this  
14 kind of attitude would be willing to call those people  
15 and tell them that they've got to keep their waste in  
16 their yards and their parks rather than, you know, put  
17 it out in the desert.

18           As far as hazardous groundwater  
19 contamination, you know, I think, well, let's go to  
20 Clive and show me the groundwater. There is no  
21 groundwater. I've been -- I've personally done, as  
22 far as the hazards, you know, of contamination and  
23 radiation, I've personally done thousands of  
24 radiological surveys on trucks, load containers,  
25 railcars without a single instance of contamination.

1 I've covered thousands of personnel exits from  
2 contamination areas without a single instance of  
3 personnel contamination.

4           And as far as radiation exposure at  
5 Envirocare, all I can say is you're going to get -- a  
6 person is going to get more radiation exposure from  
7 natural background just living their life in Tooele  
8 county or wherever they're living than they're going  
9 to pick up at Envirocare annually. And so that's all  
10 I have to say. Thanks.

11           MR. SINCLAIR: Thanks. Following Tim,  
12 I have Janet Cook.

13           #14 MR. BOOTH: My name is Tim Booth,  
14 B-o-o-t-h. I'm here tonight, this is the first public  
15 hearing in my life I've ever spoke at. That's how  
16 strong I feel about this. I have a few comments to  
17 make, but first I'll give you some of my background.  
18 I don't have a fancy college education. I'm not a  
19 professor from Yale speaking here.

20           All my experience comes from hard earned  
21 work. I have eight years in the trucking industry.  
22 I've hauled in the back of a tractor-trailer on the US  
23 highways anywhere from the french fries you eat at  
24 Wendy's to the explosives that keep our country safe.  
25 The last two years, I've been employed with Broken

1 Arrow who is Envirocare's main contractor. I'm here  
2 to tell you that the site is safe. Unless antelope,  
3 rabbits, coyotes, mice, rattlesnakes, spiders,  
4 scorpions and the sage brush are in danger, the site  
5 is perfect. There's nothing out there that this will  
6 hurt. The site is one of the most safest in the  
7 country. It's not in our backyards. It's 70 miles  
8 away from here. There's a mountain range in between  
9 us that I'm sure radiation can't get through.

10 I say to most of our opponents, If not here,  
11 where? You say we'll be leaving a place for our kids  
12 to clean up. I say to you, If we leave it where it  
13 is, our kids will be doing exactly what we're doing in  
14 cleaning it up and bringing it out here still. Let's  
15 take care of our nation's problem. Let me make a  
16 decent living. Let me be able to put my kids through  
17 college. And, please, Mr. Sinclair, approve this  
18 license.

19 MR. SINCLAIR: Thank you. Following  
20 Janet, we'll hear from Morley Cook.

21 #1 MS. COOK: My name is Janet Cook.  
22 Out in the middle of nowhere? Well, it's pretty close  
23 to my home. In fact, Grantsville is the closest city  
24 to this facility. I have been very much interested  
25 that Governor Leavitt, Diane Nielsen, the director of



1 environmental quality, Representative Jim Hansen, and  
2 many of the legislators have all, I guess, been  
3 emotional and come out strongly against the nuclear  
4 rods coming to the Goshute reservation. Well, as a  
5 citizen, I'm adamantly opposed to Envirocare receiving  
6 a license for the B and C waste.

7           Scientific facts, you know, I always feel  
8 like those who speak before us like to say they work  
9 with science and facts and not emotions. And that's  
10 what I'd like to work with here as well. From the  
11 science perspective, I would like to ask Mr. Bateman,  
12 I would like to ask this gentleman who has worked on  
13 the permitting of this license where their baseline  
14 health study is. Can you provide me with that, a  
15 baseline health study? Do you have that for the  
16 workers? Is that who you have it for?

17           Or I would like to see a baseline health  
18 study for the community of Grantsville, the closest  
19 city to the site. I conducted a community health  
20 study with 40 volunteers in 1996. The Department of  
21 Environmental Quality promised as a result of that  
22 showing the nonhealth in our community that they would  
23 provide a professional health study, which never  
24 happened.

25           In light of the fact that the Department of

1 Environmental Quality has felt so secure in permitting  
2 so many hazardous facilities in my backyard, a  
3 hazardous waste landfill, a radioactive landfill, a  
4 hazardous waste incinerator along with the chemical  
5 incinerator, along with what's going at Dugway, I  
6 think from a science perspective before you approve  
7 this permit that you come into the community of  
8 Grantsville and provide a health baseline study for  
9 us.

10           We continue to experience negative health.  
11 Three young men, 19 to about 25, have just contracted  
12 cancer. A young man of clean lifestyle, no drugs, no  
13 cigarettes, no alcohol, and that seems to be the name  
14 of the game in our community. Those who have spoken  
15 tonight, I keep hearing over and over at these public  
16 hearings what a great opportunity it is for us in  
17 Tooele county to take care of the nation and what a  
18 great neighbor Envirocare is.

19           Well, I say great neighbors take care of  
20 their communities that are gullible enough to allow  
21 them in. Money, we can't even cover the cost,  
22 according to Mr. Sinclair, of regulating them in some  
23 years. I think wasn't it about a million, a little  
24 over a million dollars was the good year for the state  
25 of Utah with the \$2.50 fee that came in as opposed to

1 the \$600 million that a facility of similar type  
2 contributes to South Carolina's funds. That's a good  
3 neighbor? I think not.

4 I think we're as gullible as we were in the  
5 1950s when we believed everything the United States  
6 government said. It won't hurt you. It'll be okay.  
7 Well, I'm here to say I'm seeing the same colors show  
8 up here. It won't hurt. It'll be okay. Let's take  
9 it. And then in 50 years from now, they'll be  
10 printing articles in the Deseret News telling what  
11 stupid folks we were.

12 Another thing, I went to the state capitol  
13 today. And I'll have to say this for Envirocare.  
14 They're mighty good neighbors to the politicians and  
15 the governor. They sponsor his spring ball. They  
16 sponsor a golf tournament. They give Ron Allen a  
17 thousand dollars for his campaign, Carol Hunsaker, all  
18 kinds of money, Dennis Rockwell, all kinds of money.  
19 And it's to Gene White's credit he didn't take it.  
20 But here are the legislators that have received the  
21 money. So I would say I guess they're good neighbors  
22 to individuals but not to the public collectively.

23 And, Mr. Sinclair, I just adamantly ask you  
24 to be wise in the interests of the state of Utah and  
25 say no to this waste. And let's not have the

1 hypocritical position of Governor Leavitt and, you  
2 know, beckon one but pull out all the stops to stop  
3 another. Thank you.

4 MR. SINCLAIR: Thank you. Okay, the  
5 next speaker is -- I think it's Judith Barton.

6 #15 MS. BARTON: Judith Barton,  
7 B-a-r-t-o-n. Thank you for allowing me to participate  
8 this evening. As I've listened in previous nights and  
9 a little bit tonight, the thought comes to mind that  
10 most of the people who are against Envirocare getting  
11 the B and C license are against it because of fear.  
12 Fear is a powerful thing. However, one can overcome  
13 their fear by educating oneself. Most of what I've  
14 heard from the complainants are unfounded fears, fears  
15 based on fiction or lack of education. As a parent,  
16 I've dealt with the fears of our children, the fear of  
17 the dark, the fear of noises such as the wind late at  
18 night, the fear of bugs and whatever comes along.

19 And the way that we have helped our children  
20 overcome their fears is through educating them,  
21 watching documentaries, reading about whatever it is  
22 and doing whatever it takes to teach them about what  
23 they fear. This way they grow past their fears.  
24 Nuclear waste or nuclear power is something to be  
25 feared, or a better word would be respected. We have

1 around us hundreds of things of which we can be  
2 afraid. Our homes are heated by natural gas. And  
3 these pipelines run under our homes, our streets,  
4 parks and schools. They run everywhere. These pipes  
5 are potential bombs. They can explode without  
6 warning. Electricity is a killer as well. These  
7 wires with thousands of volts run over our streets and  
8 our yards. They connect to thousands of homes and  
9 buildings. They can start fires, and have in many  
10 cases.

11 In fact, my husband was knocked on his duff  
12 once because the person who had wired a room in our  
13 basement knew nothing about electricity. He had no  
14 respect for it. When these elements are handled with  
15 respect and by professionals, we don't even think  
16 twice. We flick a switch and we get light. We turn a  
17 knob and we get heat. We don't debate whether or not  
18 it might kill us this time or not. If we did, none of  
19 us would have lights or heat in our homes.

20 So it is with nuclear waste. If the people  
21 who fear this so much would take the time to study it  
22 out, they would come to realize that there are many  
23 rules and regulations that must be followed, that the  
24 chances of hazardous accidents happening are far less  
25 than being electrocuted in their own home or having

1 that gas line blow up in their backyard. They need to  
2 read and study all the studies and reports that have  
3 been given to you in order to make a sound objection.

4 I heard the young man worry about  
5 incinerators, and I agree that incinerators are  
6 dangerous. But that has nothing to do with the  
7 shipments or the burial of the wastes that we are  
8 talking about. I know it's a scary thing to have  
9 potentially dangerous things travel across our roads  
10 and in this case be buried in the ground. But there  
11 are thousands of things on our roads today that we  
12 don't even think about as being dangerous and that are  
13 more dangerous than the waste that we're talking  
14 about.

15 Also I would much rather have companies like  
16 Envirocare take the responsibility of handling this  
17 waste rather than have a company try to hide it in my  
18 backyard. If there's no place for it to go, then it  
19 gets hidden. And it could end up anywhere. And  
20 that's what scares me, not knowing where it's buried.  
21 I'm definitely for Envirocare to get the B and C  
22 license, and I feel it would be criminal if they did  
23 not receive it. Thank you very much.

24 MR. SINCLAIR: Next on the list is  
25 Brian Clayner; is that right? I'm sorry if I

1 mispronounced that.

2 #16 MR. CLAYMAN: That's all right.

3 MR. SINCLAIR: Leland Hogan will  
4 follow.

5 #16 MR. CLAYMAN: My name is Brian  
6 Clayman. I'm an employee of Envirocare. I work in  
7 the radiation protection department. I'm here today  
8 not only to express my extreme support for the B and C  
9 license. I'm also here to express a lot of pride in  
10 the way my department does business and the way we  
11 handle waste at the Clive site, both Broken Arrow  
12 contractor and Envirocare. I have that pride. I  
13 haven't been an employee here very long, but I have a  
14 lot of pride because in the recent history that I've  
15 been here, we've had two Nuclear Regulatory Commission  
16 audits since I have been here. And both times we've  
17 had zero violations. And we just got done yesterday  
18 with an audit from the Department of Energy which I  
19 happen to have the comments with me. This is from the  
20 office of environmental management from the Department  
21 of Energy. I'm just going to read the comments from  
22 the results.

23 Envirocare has a well managed and  
24 implemented radiological control program. All  
25 interviewed were thoroughly knowledgeable of site

1 requirements. Logkeeping was complete, and records  
2 were well organized. Instrumentation was well  
3 maintained and calibrated. Site access controls are  
4 strictly enforced. All work is done in accordance  
5 with formally issued radiation work permits. And  
6 employee exposure monitoring is routinely conducted  
7 and reported. Envirocare maintains a good ALARA  
8 program that lowers the allowable release limits to  
9 ensure that exposures and potential for inadvertent  
10 release of contamination is minimized.

11           I would like to speak about the word ALARA  
12 just a tiny bit to the laymen here. It's an acronym  
13 that stands for As Low As Reasonably Achievable. And  
14 we're talking about doses received from radioactive  
15 materials and radiation. It is a philosophy highly  
16 adopted by Envirocare that we keep workers' dose as  
17 low as reasonably achievable. It's a philosophy in  
18 the industry, in the field of health physics. We keep  
19 our doses below ten percent of the federal legal  
20 limits. I'm proud of that. It's another reason I  
21 have pride.

22           I'm going to digress here, but I've lived in  
23 a lot of neighborhoods. I traveled around a lot from  
24 my time in the military and working in various sites  
25 around the country. I've had a lot of neighbors. And



1 although Envirocare does contribute significantly  
2 financially to the state of Utah, I never judged any  
3 of my good neighbors by how much money they gave me.  
4 I judge neighbors by how forthcoming and honest they  
5 were and by the way they behaved towards me. And I  
6 feel for my time here at Envirocare that Envirocare  
7 shares that with not only its employees and  
8 contractors but with the community of Tooele as well.

9 I'd just like to sum up again that I'm proud  
10 to work at Envirocare. I wear "I support Envirocare"  
11 with pride, as a badge of pride, I guess, is the only  
12 word I can talk about right now. Thank you.

13 MR. SINCLAIR: Following Leland, we'll  
14 have Jesse Garcia.

15 #17 MR. L. HOGAN: My name is Leland  
16 Hogan, H-o-g-a-n. We've heard a lot of talk tonight  
17 about the physical properties of what's going on at  
18 Envirocare. And I would like to speak more to, I  
19 guess, what you would call the emotional part that  
20 we're talking about and the reasons why as a Tooele  
21 county citizen, I think it's a good idea to have  
22 Envirocare as part of our corporate community.

23 I live in Rush Valley. I'm in the  
24 agricultural business. Farm waste, which is manure,  
25 that we all know about, it was desired that that be

1 classified as a hazardous waste just here in the last  
2 two years. It was very difficult for the agricultural  
3 community across the United States to keep that from  
4 being classified as a hazardous waste. We were going  
5 to have to take care of that as a hazardous waste. We  
6 were no longer going to be able to use it as a  
7 fertilizer. Well, there are lot of things that we  
8 deal with in this country because we're populated,  
9 because we're educated, because we have a standard of  
10 living that is beyond that of probably any place else  
11 in the world. And therefore, we're plowing new ground  
12 constantly on all of these fronts.

13           We have a very large responsibility in  
14 making sure that we do things correctly. In my past  
15 responsibility in Tooele county, I have some knowledge  
16 of the tax base of the county. I know that the taxes  
17 in Tooele county would be much higher today if it  
18 wasn't for the hazardous waste industry that was  
19 established in the 1980s in the west desert. I hope  
20 that industry stays viable. I hope that we as  
21 citizens of the state of Utah as well as citizens of  
22 the county of Tooele can have enough insight in making  
23 sure that those businesses stay health and therefore  
24 do their job the very best way it can be done.

25           There has been some reference tonight of the

1 industry that is run in other states being run by  
2 state governments. I hope that our state government  
3 never gets into that. This just puts a double layer  
4 of protection for us having it be a private industry.  
5 The State regulates it. The private industry can be  
6 put out of business if they don't do it right.  
7 Therefore, the amount of regulation protection that we  
8 have as regular citizens in the county and in the  
9 state are better protected because there are more  
10 people who are concerned about whether or not it's  
11 done correctly.

12           If the State did it alone, then they would  
13 be regulating themselves. I don't not trust them, but  
14 I think it would be better if they're regulating  
15 somebody else like they are now. If it could be done  
16 better, if it could be placed in a safer place,  
17 Envirocare wouldn't be in business. It would be being  
18 placed in a safer place. These companies that are  
19 getting rid of their waste research the company that's  
20 going to take the waste. And if they didn't feel like  
21 the facility at Envirocare at Clive was safe, they  
22 wouldn't ship their waste there because their  
23 potential problem could carry on in the future.

24           Thank you very much for the opportunity, and  
25 I appreciate the insight that the Department of

1 Environmental Quality has in dealing with the  
2 hazardous waste industry in that they hold public  
3 hearings, they take all the input, they make sure that  
4 the process is done correctly. And therefore, the  
5 companies that operate have to operate correctly. So  
6 I appreciate Department of Environmental Quality.  
7 Thank you very much.

8 MR. SINCLAIR: Following Jesse, Steven  
9 Budd is next. I skipped over Steve earlier. I'm  
10 sorry, Steve.

11 #3 MR. GARCIA: Hello. My name is  
12 Jesse Garcia. I am a Tooele county citizen. I am an  
13 employee of Envirocare. I am here speaking for this  
14 application of a license to be approved for many  
15 reasons. One, you know, I sit back and I watch the  
16 world develop. And I see, like has been presented,  
17 you know, many wastes generated throughout the sight.  
18 I see that places generate, because of some wastes,  
19 become cancer clusters in the world. And it's always  
20 interesting to me that everybody wants to clean it up  
21 and get rid of it, but they don't want it to go  
22 anywhere near them. And when you sit back and you  
23 look at that, it's one of those things that, no, I  
24 wouldn't want this stuff in my own backyard especially  
25 if I'm cleaning it up from my own backyard or my

1 neighbor's backyard.

2           But there are certain places in the world  
3 that this has to go. We were fortunate enough in my  
4 mind, a lot of people's mind, that Tooele county has  
5 such an environment that this material could be  
6 disposed of in a safe manner. I mean, it's distant.  
7 The natural geography of the area is suitable to do  
8 what we need to do in the desert. And it helps people  
9 throughout the nation get their cancer clusters moved  
10 from their backyard out to somewhere else to where  
11 they don't have to feel it the way other people do.

12           Now it's interesting to me that, you know,  
13 we talk about, well, baseline studies here and here in  
14 Grantsville versus Dugway. But if you were going to  
15 clean places like that up, where would you send it?  
16 Would you send it out to California, to Nevada? Or  
17 would you put it out in our own west desert away from  
18 us? But then you've got people in Wendover  
19 complaining.

20           So it's interesting to see all the different  
21 angles. As a parent, I try to make sure that I'm  
22 leading by example. And we know that's important in  
23 today's world. I believe that I am somewhat of an  
24 environmentalist. My degree is in environmental  
25 technology, so I believe that there are things in the

1 world that need to be improved. And I like to feel  
2 that there are places like Envirocare that people  
3 could take waste, move it there to make the world a  
4 better place. It's really difficult, you know,  
5 because there's not a whole lot of places where  
6 there's not that much population that you can take  
7 some of this waste. If you can move it out away from  
8 the majority of the people, you're not going to have  
9 the illnesses that some of them may cause.

10 With that, that'll be all I have to say on  
11 that. I, again, appreciate the efforts that DEQ puts  
12 in with the public comments and the fact they actually  
13 listen to us and actually give us a response via  
14 e-mail. Thanks for the response for sending me this.  
15 It's nice to know that there's such a branch of the  
16 government that will do something to help regulate  
17 what we're doing out there. So I, again, request that  
18 you approve the license. And that's it. Thank you.

19 MR. SINCLAIR: I have a question mark  
20 by William Hogan. I guess that means you want to  
21 speak?

22 #18 MR. W. HOGAN: Yeah.

23 MR. SINCLAIR: Following Mr. Hogan,  
24 Karla Reading would be next.

25 #18 MR. W. HOGAN: I didn't know if I

1 wanted to talk or not. My name is Bill Hogan. I  
2 teach environmental science at Tooele High School.  
3 And I had some of my students here tonight that are in  
4 my class. And I wanted them to come and listen to the  
5 proceedings of the meeting. You guys were too slow.  
6 You listened to all these -- and they didn't get a  
7 chance to hear the comment period, so I guess I had  
8 them come too early. But I got them here for an hour,  
9 so I felt that was good.

10 But my concern is that I teach environmental  
11 science in the high school. I feel a great  
12 responsibility in that as a teacher. And I teach  
13 basically -- I told them the first day that I'm  
14 probably pretty much down the middle of the road, I  
15 feel, in environmental science because that's what I  
16 want to -- I don't want to prejudice them one way or  
17 the other. I tell them that there are some  
18 environmentalists over here that are extreme, and  
19 there's environmentalists over here that are extreme  
20 the other way. And probably somewhere in the middle  
21 is where I hope most people fall. And I was hoping  
22 tonight to have them hear some of those people on both  
23 sides, but I couldn't keep them here that long.

24 But as I teach environmental science, it's  
25 in the newspapers every day. It's a subject that is

1 -- this is the first time we ever had a class like  
2 that at Tooele High School, this semester. And it's a  
3 thing that we need to teach. And I also tell them  
4 that there's a lot of emotion when you talk about  
5 environmental issues. On both sides, there's  
6 emotion. And hopefully that we can come down the  
7 middle, again, somewhere in the middle is probably  
8 where the right emotions should be.

9           And I'm sure that we heard tonight that  
10 there was a lot of politicians that were paid for  
11 their elections. I guess we would say were on one  
12 side. And as I tell my students on the other side, we  
13 have people that attend these meetings that are  
14 professionals that are being paid to go against this  
15 stuff. So I think, again, we have to balance all that  
16 out in the middle. And so that's why I try and teach  
17 the students here in Tooele. And so I didn't know if  
18 I wanted to talk or not. But if my students were  
19 here, they would tell you that that was their first  
20 lesson on the first day of school, what I've just  
21 given tonight.

22           So thank you very much for my opportunity.  
23 And I hope that when it comes down to it, it's the  
24 science that we look at because the waste is going to  
25 be there and we have to take care of it in the best



1 way that we can.

2 MR. SINCLAIR: Following Karla will be  
3 Jason Groenewold.

4 #19 MS. READING: Karla with a K,  
5 Reading, R-e-a-d-i-n-g. I have no expertise in  
6 nuclear waste management. My expertise is as a  
7 medical social worker, and I specialize in working  
8 with people with cancer. So I very much appreciate  
9 Janet Cook's comments and support your suggestion that  
10 the Division of Environmental Quality actually do a  
11 health study in Grantsville.

12 I wish that I could be convinced that this  
13 is safe. I'm not convinced. Maybe this is the legacy  
14 of distrust of being lied to by the government. I  
15 don't trust the DOE. I don't trust the NRC. They  
16 work together hand in glove. The people who say that  
17 we are hysterical, the people that oppose this  
18 proposal, the people have said we're hysterical, we're  
19 exaggerating the dangers, that we have unrealistic  
20 fears, and I don't agree that our fears are  
21 unrealistic. I think that fear is a God given gift  
22 and is there to help us to be more cautious and to  
23 take a closer look.

24 I agree that the science needs to be looked  
25 at. Many decisions need to be based on science, and I

1 don't agree that we've done enough of that. We're not  
2 talking about not using nuclear energy for medical  
3 uses. But my understanding is that the vast majority  
4 of this B and C waste would be from nuclear industry  
5 energy plants, not the spent fuel rods, but everything  
6 else. And I do think that what we need to do is draw  
7 a line and force our country to have a dialogue about  
8 our energy policy or our lack of energy policy and our  
9 energy use. That's what I would like to see happen.

10           One of our legislators, I guess, just  
11 proposed a very heavy tax on these proposed shipments  
12 of nuclear waste saying that Utah's tired of being the  
13 dumping ground for the rest of the nation. But even  
14 if Utah makes a lot of money on these shipments,  
15 aren't we still going to be the dumping ground if the  
16 project goes through?

17           I definitely understand and respect the fact  
18 that people need jobs. They need a living wage, but I  
19 think that we can be more creative about the way we  
20 meet those needs. I like money. I know it's useful.  
21 I just don't think there's enough of it to gamble with  
22 the health and safety of our state. So I urge you to  
23 exercise caution and wisdom and to deny this  
24 application at this time. Thank you.

25           MR. SINCLAIR: Thank you, Karla.

1 Jason, you're up. Following Jason, Jon Jensen.

2 #20 MR. GROENEWOLD: For the record, my  
3 name is Jason Groenewold. And I'm the director of  
4 FAIR, Families Against Incinerator Risk. And I'd like  
5 to ask you, Mr. Sinclair, for an extension of the  
6 public comment period and really stress the importance  
7 of that to make sure that this process is fair and  
8 that it allows the public adequate time to really  
9 review the documentation that has been submitted to  
10 the Division of Radiation Control. You'll probably  
11 remember that this comment period began while we were  
12 simultaneously commenting on the land use exemption.  
13 Thus, there's one area where it really shortened our  
14 time to review these documents.

15 The second thing is that just, for example,  
16 it wasn't until this Wednesday that the entire ground  
17 water discharge permit was placed onto the web site.  
18 And there's still some appendices that are missing  
19 from that. And I myself don't have the professional  
20 expertise to review these documents in depth, but we  
21 do have contact with individuals that do have that  
22 expertise. And they're relying upon that web site as  
23 a source of information where they can review those  
24 documents and haven't been able to get them in their  
25 entirety which makes it very difficult to review the

1 adequacy of the permit.

2           I think if you look at the requirements that  
3 the State had in place when Envirocare originally  
4 submitted their permit and found that the application  
5 hadn't been completed entirely, it was returned to  
6 them until they could resubmit the needed information  
7 and we would ask that that same consideration be given  
8 to the public where if those documents are not  
9 provided up front in the beginning of the comment  
10 period, that the 60-day time period not begin until  
11 all of those documents are available. And we  
12 appreciate that they're on the web site because that  
13 is an easy way to access them, but that you do grant a  
14 60-day extension. I can appreciate the pressure that  
15 you've been under especially by the legislature who  
16 has very much cracked the whip asking why it's taking  
17 so long to review this.

18           But now that Envirocare has agreed to  
19 postpone seeking approval from the legislature and the  
20 governor this session, we should have some extended  
21 time frame in which to comment on this proposal. So I  
22 really would ask that you do granted that extension,  
23 that you heed the interests of public participation  
24 and the requirements of those in the regulations as  
25 well.

1           For folks here this week, for the folks here  
2   tonight, I draw your attention to a week-long series  
3   that Deseret News has begun. It's called Toxic Utah:  
4   Paying the Price. And what the Deseret News has done  
5   is looked at the history of both toxic waste dumping  
6   and testing here in the state of Utah and the various  
7   assurances that our citizens were given by the federal  
8   government and by industry. It starts to feel a  
9   pattern that we see over and over. And as we're  
10   talking about scientific expertise, I think we do need  
11   to look at the history of our knowledge on radiation.

12           At the turn of the century, women who  
13   painted irradiated numbers on clocks were told by  
14   doctors and scientists that it was healthy for them to  
15   tip their brushes with their lips. Well, most got  
16   cancer and the experts were wrong. Science also  
17   signed off on the safety of x-ray machines. At one  
18   point, x-ray machines were made available in shoe  
19   stores for the amusement of customers who liked to see  
20   the bones in their feet while waiting to be fitted.  
21   Today, we know better.

22           Nurses who administer x-rays wear lead  
23   aprons, and we found out that the experts were wrong.  
24   When atomic weapons were first invented, scientists  
25   approved of open air testing. GIs were marched into

1 ground zero so they could get acclimated to atomic  
2 warfare. Experts said they were safe. Well, the GIS  
3 got cancer and we found out that the experts were  
4 wrong. People who lived downwind were encouraged to  
5 witness history by going outside to watch atomic bombs  
6 detonated. Experts told them they were safe.  
7 Downwinders got cancer, and we found out the experts  
8 were wrong.

9           Uranium miners who worked in unventilated  
10 mines were visited regularly by nuclear experts who  
11 examined their working conditions and blood. We'll  
12 let you know if we see a problem, they said. The  
13 mines were safe enough they concluded. Well, uranium  
14 miners got cancer, and we found out that the experts  
15 were wrong. Workers in the nuclear weapons processing  
16 centers were also monitored by experts who signed off  
17 on their working conditions and health. The workers  
18 are dying like those in Kentucky. And once again, we  
19 find out that the experts were wrong.

20           Experts in the field of atomic energy  
21 assured government policy makers and the public that  
22 the new form of energy was going to be so cheap and  
23 plentiful that atomic energy would not even have to be  
24 metered. Well, billions of dollars in subsidies  
25 later, the experts we now know were wrong. In the

1 former Soviet Union, nuclear experts assured the  
2 public that a catastrophic melt down of a nuclear  
3 reactor was impossible. Well, after Chernobyl melted  
4 down, we found out that they were wrong.

5           So here we are today with experts telling us  
6 that nobody is hurt by the production of nuclear  
7 power. Recent studies of changes in infant mortality  
8 rates in locales where nuclear power plants have been  
9 shut down raised serious doubts about those  
10 assurances. Tonight we have experts from Envirocare.  
11 And in other hearings, we've had experts from Private  
12 Fuel Storage tell us that the transportation and  
13 storage of radioactive waste is safe.

14           If the past is any guide to the future and  
15 if their credibility is at all based on the shameful  
16 industry record of bogus expertise masquerading as  
17 cutting edge science, they will eventually be proven  
18 wrong. And we have to ask ourselves, is this a horse  
19 we want to bet on? And if the ante is our life, are  
20 we in?

21           I think there are some questions that are  
22 just good to ask ourselves, you know, especially for  
23 the people who are employed by Envirocare who will  
24 daily be in contact with this much higher increased  
25 level of radioactive material. Just ask, Were you

1 told that job layoffs would occur if Envirocare did  
2 not get this license application for B and C waste?  
3 Do you believe that there really is a shortage of  
4 radioactive material based on the pie chart that we  
5 saw where with 97 to 99 percent of the low level  
6 radioactive waste is Class A. And he talked about how  
7 Envirocare only has a four percent share of that, that  
8 there really is a shortage of material out there to  
9 store.

10 Can you report violations to either state  
11 regulators and your employer without being retaliated  
12 against? If you become sick, is the burden of proof  
13 upon you to show that your illness was caused by your  
14 exposure to radiation, or is it upon your employer to  
15 show that it is not caused by exposure to radiation?  
16 Will your medical insurance cover you after your  
17 employment is over? If an accident occurs, which  
18 employees will be responsible for cleaning up the  
19 spill and what safety measures are in place to protect  
20 their health?

21 Will your family be compensated in case of  
22 an accident and either your health or life is at risk  
23 or at jeopardy? Will you be fairly compensated for  
24 the increased level of risk that you'll face? Will  
25 there be a special fund set up by Envirocare to



1   compensate workers and their families if workers  
2   become ill?  If that is done, which illnesses will be  
3   recognized up front as being related to radiation  
4   exposure and which will be disregarded?

5               I think it's important to get these  
6   assurances up front, get this in writing so that if  
7   something does go wrong, you know, we have that in  
8   place.  You're not spending your life and your time in  
9   court trying to fight for the compensation of your  
10  medical bills so that you don't have to sell your home  
11  and your land and your possessions in order to cover  
12  the medical expenses if you do become sick.

13              In closing, I guess one of the things that I  
14  was told as a child growing up is before you jump in a  
15  pool, you should check to see how deep the water is.  
16  And before you buy a car, you need to do more than  
17  just kick the tires.  We're making a decision here  
18  about materials that have radioactive half lives so  
19  far beyond our comprehension of time, in the tens of  
20  thousands of years.  And I'd ask ourselves, Have we  
21  thoroughly studied this issue to know what happens 100  
22  years out, what happens 500 years out, 1,000, 5,000,  
23  10,000?  We can't see that far down the road.  And  
24  without those assurances in place, it seems very short  
25  sighted to say that there is no health risk associated

1 with this proposal.

2           In fact, that causes me great concern if  
3 that's the attitude and approach that some of our  
4 county officials are taking with this proposal. If we  
5 turn to Isaiah, chapter 5, verse 20, it says: "Woe  
6 unto them that call evil good and good evil." Let's  
7 ask ourselves, Are we going through all this trouble  
8 for smoke detectors and exit signs? If the answer is  
9 yes, I have concerns. I think if you think about that  
10 question long enough, you'll find out that we have a  
11 very serious proposal that needs to be taken very  
12 seriously. And with all the assurances that we're  
13 given right now, are they going to mean anything for  
14 our children and their children and their children  
15 beyond that? Thanks.

16           MR. SINCLAIR: Jon, you get the last  
17 word.

18           #21 MR. JENSEN: Hi, again. I just  
19 wanted to bring up some new points since I spoke last  
20 time. My name is Jon Jensen, citizen of Salt Lake  
21 City. We're told to concentrate on facts, so I'd like  
22 to try and do that as much as possible.

23           One misleading thing that Envirocare has  
24 been saying is that for some reason Utahns really  
25 don't have a right to speak out against this proposal

1 because virtually every person in Utah uses a product  
2 or service daily that uses radiation. And the map  
3 over here that one gentleman showed sources of low  
4 level radioactive waste in Utah. However, the waste  
5 stream for which Envirocare has applied for a license  
6 will come entirely from outside of Utah. Envirocare's  
7 continual statements about Utahns using products or  
8 services daily that use radiation is simply a smoke  
9 screen to distract attention from this fact.

10 Envirocare's license application has  
11 absolutely nothing to do with the products that  
12 contain radioactive elements that are used in Utah.  
13 If Envirocare is going to continue using this  
14 argumentation, I think Envirocare should submit a  
15 proposal to the State for a license to receive only  
16 the radioactive waste generated within Utah's  
17 borders. Otherwise, their argument is meaningless.

18 Of the Class B and C waste that would be  
19 transported from outside the state and dumped in  
20 Envirocare's landfill if Envirocare successfully  
21 obtains a license, about 80 percent by volume will be  
22 waste from nuclear power plants. Utah contains no  
23 nuclear power plants which further discredits the  
24 argument that Utahns are somehow complicit in the  
25 production of the waste Envirocare would receive, let

1 alone obligated to store it.

2           Now of this 80 percent by volume of nuclear  
3 power plant waste that will be transported to Utah, it  
4 can contain elements like Iodine 129 that has a half  
5 life of 16 million years. It is currently classified  
6 in the same category as medical waste, the vast  
7 majority of which is hazardous for less than eight  
8 months. The term "low level" is highly misleading and  
9 has been misinterpreted to mean low hazard. Its  
10 hazardous lives are far beyond the scope of human  
11 understanding and manageability.

12           I just wanted to make a few comments about  
13 nuclear energy. The previous speaker made the point  
14 that somehow our toilets and showers, I believe he  
15 said, would be threatened if we were to do away with  
16 nuclear energy because it supplies about 20 percent of  
17 the nation's current electricity. However, if you  
18 study the history of energy and energy promotion by  
19 the government, you'll find that nuclear energy has  
20 been very heavily subsidized.

21           I have a report from the Renewable Energy  
22 Policy Project called Federal Energy Subsidies: Not  
23 All Technologies are Created Equal, in which it  
24 reports that from 1943 through 1999, cumulative  
25 federal government subsidies to solar, wind and

1 nuclear totaled almost \$151 billion in 1999 dollars.  
2 The nuclear industry received 145.4 billion or over 96  
3 percent of these subsidies. Those to photovoltaic and  
4 solar and thermal power accounted for a cumulative  
5 total of 4.4 billion, while wind technology received  
6 1.3 billion.

7           So as you can see, the federal support for  
8 renewable energy has been very low. Nonetheless, wind  
9 energy is becoming increasingly economically viable  
10 today. I have another report from the same group  
11 heavily referenced and peer reviewed called Expanding  
12 Wind Power: Can Americans Afford It?, in which they  
13 report a number of interesting things about wind  
14 energy, including: The United States harbors more  
15 than enough windy land to boost wind generating  
16 capacity dramatically without interfering with other  
17 land uses. Wind development would likely bring  
18 substantial benefits to local economies, and the cost  
19 per household of wind energy development is modest.  
20 This same report also has information on how much land  
21 would be required to generate sufficient wind energy.

22           In conclusion, the wind resource potential  
23 exceeds by a significant margin the electrical energy  
24 usage in the United States. Ten percent of the 1993  
25 electricity demands could be met by developing just

1 .35 percent of the adequately windy land area in the  
2 12 states having the highest wind resources according  
3 to a report by the Pacific Northwest National  
4 Laboratory called Assessment of Available Windy Lands  
5 in the United States. This would be developing just  
6 -- oh, excuse me. Ten percent of the electricity  
7 demand could also be met by developing just 1.81  
8 percent of the adequately windy land in all 48  
9 states.

10           So this report, among others like recent  
11 news clippings from Pacific Corp which has just  
12 developed the world's largest wind energy station on  
13 the Washington/Oregon border of 300 megawatts, I  
14 think, conclusively proves that wind energy is the  
15 growing source of electricity for the nation. And  
16 it's going to become cheaper as time goes on. And its  
17 relative environmental costs to nuclear and coal are  
18 incredibly low and is something I think we need to  
19 investigate. I don't want to bore everyone with that  
20 discussion about electricity, but it was brought up  
21 earlier, the point. It's, I think, a misconception  
22 that without nuclear energy, somehow our civilization  
23 would crumble.

24           I just want to close with some  
25 recommendations of Marvin Resnikoff who is the state's

1 nuclear physicist advising on the PFS issue.

2 According to Dr. Resnikoff in his book Living Without  
3 Landfills, the continued generation of radioactive  
4 waste in the absence of any acceptable solution for  
5 its disposal is irresponsible and must be minimized  
6 and ultimately halted. And I think, as I just pointed  
7 out, that can be pretty painlessly done by converting  
8 to wind energy.

9           For the nuclear reactor waste that has  
10 already been generated, Dr. Resnikoff argues that the  
11 landfilling of this waste at distant sites must also  
12 be stopped, that it should stay where it is, that  
13 containerizing it and transporting it across the  
14 country simply creates an unnecessary additional level  
15 of risk to what is already a very risky material. He  
16 also argues that radioactive waste mustn't be buried  
17 out of sight, out of mind as Envirocare plans to do,  
18 but rather stored where future generations can have  
19 easy access to repair and replace containers as they  
20 inevitably degrade.

21           I don't doubt the testimony of most of the  
22 employees tonight that they're competent in their jobs  
23 and that they can do a good job. However, I don't  
24 think any of that provides real critical justification  
25 for shipping all this waste across the country. Just

1 because they can do a good job doesn't justify adding  
2 this new risk to our highways and to our state. The  
3 question is whether or not it's a unnecessary risk,  
4 let alone a desirable one, and I think the answer is  
5 no. I think the broad public good is served by  
6 denying this application, and I would also like to ask  
7 for an extension of the public comment period by at  
8 least 60 days. Thanks.

9 MR. SINCLAIR: Thanks. Thank you for  
10 coming tonight, ladies and gentlemen. That's the end  
11 of the public comment part.

12 #22 MS. ULIBARRI: Can I make just one  
13 brief comment?

14 MR. SINCLAIR: We can have one brief  
15 comment. That would be great. Come on up and do it.

16 #22 MS. ULIBARRI: My name's Jennifer  
17 Ulibarri, spelled U-l-i-b-a-r-r-i. And I just wanted  
18 to say that the people here tonight have talked about  
19 the safety, not just of the employee, but also for the  
20 community. They've cited examples from 50 years ago  
21 dealing with radiation. We didn't know the effects of  
22 radiation then, but we know now. People in the past  
23 paved the way for our knowledge at their loss. If it  
24 is not safe to dump waste in this manner with the  
25 regulations that are in place now, we won't know about



1 it for years. However, our mistakes will add to  
2 future generation's knowledge. This is the only way  
3 we will learn. I support Envirocare. And if  
4 something happens, we can learn from it and take  
5 responsibility for the consequences as we did 50 years  
6 ago.

7 MR. SINCLAIR: Thanks for coming,  
8 ladies and gentlemen. Have a good evening. Drive  
9 carefully.

10 (WHEREUPON, the public hearing was concluded  
11 at the approximate hour of 9:30 p.m.)

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## 1 C E R T I F I C A T E

2 STATE OF UTAH )

3 COUNTY OF SALT LAKE )

4 I, DEBORAH F. LAVINE, a Certified Shorthand  
5 Reporter and Notary Public in and for the County of  
6 Salt Lake, State of Utah, do hereby certify:

7 That the foregoing public proceedings of the  
8 hearing were taken before me at the time and place set  
9 forth herein and was taken down by me in shorthand and  
10 thereafter transcribed into typewriting under my  
11 direction and supervision.

12 That the foregoing 98 pages contain a true  
13 and correct transcription of my said shorthand notes  
14 so taken.

15 Witness my hand and official seal at Salt  
16 Lake City, Utah, this 12th day of March, 2001.

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DEBORAH F. LAVINE, RPR, CSR, NP

22

23 My Commission Expires:

24 March 4, 2003

25

ROCKY MOUNTAIN REPORTING, DEBORAH F. LAVINE, CSR, RPR

